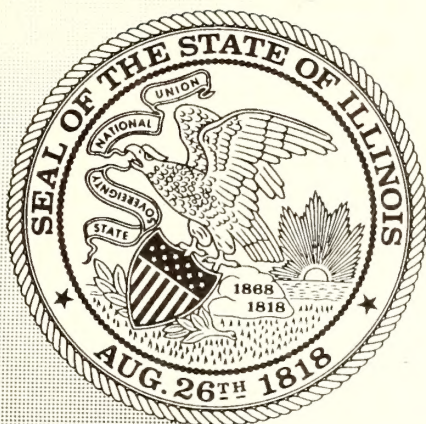


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**1997**

# ***Illinois Register***

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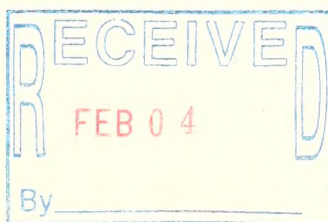
**Rules of Governmental Agencies**

Volume 21, Issue 05 — January 31, 1997

Pages 1342 - 1493

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Index Department  
Administrative Code Div.  
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Springfield, IL 62756  
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published by  
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Secretary of State

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**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 19, 1996 - Issue 16: Through	March 31, 1996
July 19, 1996 - Issue 29: Through	June 30, 1996
October 18, 1996 - Issue 42: Through	September 30, 1996
January 17, 1997 - Issue 3: Through	December 31, 1996 (Annual)

## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].



## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Alternate Fuels Program

- 2) Code Citation: 35 Ill. Adm. Code 275

- 3) Section Numbers: Proposed Action:
- |           |     |
|-----------|-----|
| 275.100   | New |
| 275.110   | New |
| 275.120   | New |
| 275.130   | New |
| 275.140   | New |
| 275.200   | New |
| 275.210   | New |
| 275.220   | New |
| 275.230   | New |
| 275.240   | New |
| 275.App A | New |

- 4) Statutory Authority: Section 15 of the Alternate Fuels Program [415 ILCS 120/15].

- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules are required by Section 15 of the Alternate Fuels Act. The Illinois EPA is required to adopt rules implementing the Alternate Fuels Rebate Program. The rules include eligibility criteria, application procedures, payment priorities, and technical standards. Owners of alternate fuel vehicles will be eligible to apply if they purchase an alternate fuel vehicle, convert a conventionally fueled vehicle, or purchase domestic renewable fuel. The rebate amount will be for up to 80 percent of the differential cost, but no more than \$4,000. The proposed rules will apply statewide and preference will be given to owners of small businesses, owners located in the Chicago ozone nonattainment area, and owners who refuel at a public fueling operation.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? Yes

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objective: These proposed rules are required by the Alternate Fuels Act and do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805/3(b)].

- 11) Time, Place, and Manner in which interested persons may comment on this

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

proposed rulemaking: An Illinois EPA hearing on the proposed regulations will be held on March 10, 1997, at 10:30 am, at the James R. Thompson Center, Room 8-031, Chicago, Illinois. Questions or written comments concerning this rulemaking should reference EPA #2-97 and be sent to:

John Williams  
Agency Hearing Officer  
Illinois Environmental Protection Agency  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544

or

Rachel L. Doctors  
Assistant Counsel  
Illinois Environmental Protection Agency  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/524-3333

Written comments must be received by the Illinois EPA by April 10, 1997, for inclusion in the hearing record.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The anticipated effect on the above entities is expected to be positive. Small businesses receive priority for the rebates. Municipalities that are subject to the Energy Policy Act, which requires they purchase alternate fuel vehicles, now have an opportunity to offset some of the compliance costs.

B) Reporting, Bookkeeping or other procedures required for compliance: Once approved for a domestic renewable fuel rebate, the owner must keep records of fuel purchases.

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Rule(s) begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 275  
ALTERNATE FUELS PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	Purpose
275.100	Other Definitions
275.110	Definitions
275.120	Abbreviations
275.130	Incorporations by Reference
275.140	

SUBPART B: REBATES

Section	Eligibility
275.200	Alternate Fuel Vehicles and Rebates
275.210	Fuel Cost Differential Rebate
275.220	Applications
275.230	Agency Action
275.240	Annual Fuel Cost Differential For LDVs

AUTHORITY: Implementing and authorized by Section 15 of the Alternate Fuels Act [415 ILCS 120/15].

SOURCE: Adopted at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL PROVISIONS

Section 275.100 Purpose

This Part establishes procedures for applying for an alternate fuel vehicle rebate or domestic renewable fuel rebate as authorized by the Alternate Fuels Act [415 ILCS 120]. Applications for the Alternate Fuels Program may be submitted for calendar years 1997 and 1998, and pre-approved rebates may also be given in fiscal years 1999 and 2000, depending on fund availability.

Section 275.110 Other Definitions

Unless otherwise defined herein and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall have the meanings specified by 35 Ill. Adm. Code 241.102 and Section 10 of the

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

Alternate Fuels Act [415 ILCS 120/10]. The definitions in Section 275.120 of this Subpart are applicable only to the provisions of this Part.

Section 275.120 Definitions

"Alternate fuel" means liquefied petroleum gas, natural gas, fuel composed of a minimum eighty percent ethanol or eighty percent bio-based methanol, fuels derived from eighty percent biomass, or electricity.

"Alternate fuel vehicle" means any motor vehicle or engine that meets a federal or CARB emission standard, or meets the federal anti-tampering provisions pursuant to USEPA Memorandum 1A, incorporated by reference at Section 275.140 of this Subpart, is capable of using an alternate fuel, and is operated in the State of Illinois.

"Conventional", when used to modify the word "vehicle", "engine", or "fuel", means gasoline or diesel or any reformulations of those fuels. [415 ILCS 120/10]

"Covered area" means the counties of Cook, DuPage, Kane, Lake, McHenry, and Will and the townships of Aux Sable and Goose Lake in Grundy County and the township of Oswego in Kendall County. [415 ILCS 120/10]

"Domestic renewable fuel" means a fuel produced in the United States composed of a minimum eighty percent ethanol or eighty percent bio-based methanol, or other fuels derived from eighty percent biomass.

"Federal low emission standard" means the low emission vehicle (LEV), ultra-low emission vehicle (ULEV), zero emission vehicle (ZEV), or inherently low emission vehicle (ILEV) standard, as set forth in 40 CFR 88, Subpart A, incorporated by reference in Section 275.140 of this Subpart.

"Gross Vehicle Weight Rating (GVWR)" means the total vehicle weight, including the maximum load, as designated by the original equipment manufacturer.

"Heavy-duty vehicle (HDV)" means a motor vehicle whose GVWR is more than 8,500 lbs.

"Inherently Low Emission Vehicle (ILEV)" means any LDV certified to the applicable ILEV evaporative emission standard found in 40 CFR 88, incorporated by reference at Section 275.140 of this Subpart, or any HDV with an engine certified to the applicable ILEV standard. No dual



## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

fueled or flexible fueled vehicle shall be considered an ILEV unless it is certified to the applicable standard(s) (i.e., LEV, ULEV or ZEV) for such weight class on all fuel types for which it is designed to operate.

"Light-duty vehicle (LDV)" means a motor vehicle whose GVWR is no more than 8,500 lbs.

"Location" means a parcel of real property or multiple, contiguous parcels of real property that are separated by private roadways, public roadways, or private or public rights-of-way and are owned, operated, leased, or under the common control of one party. [415 ILCS 120/10]

"Low Emission Vehicle (LEV)" means any LDV, or any HDV with an engine certified to the applicable federal low emission vehicle standard, as set forth in Appendix A of this Part and in 40 CFR 88, incorporated by reference in Section 275.140 of this Subpart.

"Owner" means any person who has legal or equitable title to a motor vehicle.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, state, municipality, political subdivision of a state, any agency, department, or instrumentality of the United States, and any officer, agent, or employee of any of the above.

"Private fueling operation" means any activity where alternate fuel is transferred from a stationary or mobile source to a fuel storage system used to provide fuel to the engine or motor of that vehicle where such fuel is not available to the public.

"Public fueling operation" means any site where alternate fuel is transferred from a stationary source to a fuel storage system used to provide fuel to the engine or motor of that vehicle, and is a retail operation.

"Retail" means to sell directly to the ultimate consumer in small quantities (e.g., gallons) and deliver fuel to a fuel storage system used to provide fuel to the engine or motor of a vehicle.

"Small fleet owner" means a person who owns or operates no more than 30 motor vehicles and employs 100 or fewer employees.

"Ultra Low Emission Vehicle (ULEV)" means any LDV, or any HDV with an engine certified to the applicable federal ultra low emission vehicle standard, as set forth in Appendix A of this Part and in 40 CFR 88,

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

Subpart A, incorporated by reference in Section 275.140 of this Subpart.

"Zero Emission Vehicle (ZEV)" means any LDV, or any HDV certified to the applicable federal zero emission vehicle standard, as set forth in Appendix A of this Part and in 40 CFR 88, Subpart A, incorporated by reference in Section 275.140 of this Subpart.

## Section 275.130 Abbreviations

Agency	Illinois Environmental Protection Agency
CARB	California Air Resources Board
GVWR	gross vehicle weight rating
HDV	heavy-duty vehicle
ILEV	inherently low emission vehicle
LDV	light-duty vehicle
LEV	low emission vehicle
MY	model year
mi/yr	miles driven per year
OBM	original equipment manufacturer
ULEV	ultra low emission vehicle
USEPA	United States Environmental Protection Agency
VEC	vehicle emission configuration
VIN	vehicle identification number
ZEV	zero emission vehicle

## Section 275.140 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments:

- a) Clean Fuel Vehicles, 40 CFR 88.
- b) Control of Air Pollution from New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines: Certification and Test Procedures, 40 CFR 86.
- c) Mobile Source Enforcement Memorandum No. 1A: Interim Tampering Enforcement Policy, USEPA (June 25, 1974).

## SUBPART B: REBATES

## Section 275.200 Eligibility

- a) Owners of alternate fuel vehicles may apply for a rebate under this Part by meeting the requirements of either subsection (a)(1), (a)(2), or (a)(3) of this Section and submitting the information required by Section 275.230 of this Subpart to the Agency:

- 1) Converting a conventional vehicle to an alternate fuel vehicle in accordance with the requirements of Section 275.210(a) of this Subpart;

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

- 2) Purchasing an alternate fuel OEM vehicle or engine in accordance with the requirements of Section 275.210(b) of this Subpart; or
- 3) Purchasing a domestic renewable fuel in accordance with the requirements of Section 275.220 of this Subpart.
- b) Notwithstanding subsection (a) of this Section, alternate fuel vehicles owned by the federal government or registered or operated in a state outside of Illinois are not eligible for rebates offered under this Part. [415 ILCS 120/30(d)]
- c) Rebates will be given in accordance with the criteria in Section 275.240 of this Subpart. The total amount of all rebates issued in the Alternate Fuel Program for a given calendar year will be limited to the funds available in the Alternate Fuel Fund for that calendar year.

**Section 275.210 Alternate Fuel Vehicles and Rebates**

A motor vehicle is an alternate fuel vehicle for the purposes of this Part if it meets the requirements of either subsection (a) or (b), and subsection (c) or (d) of this Section:

- a) Conversion of a conventional vehicle to an alternate fuel vehicle:
  - 1) A conventional vehicle that was not certified to a federal emission standard by the manufacturer as an alternate fuel vehicle, but is subsequently converted in accordance with the requirements of subsection (c) or (d) of this Section and is operated as an alternate fuel vehicle; and
  - 2) Conversion of a conventional vehicle to alternate fuel capability must take place in Illinois [415 ILCS 120/30(a)]; or
- b) Purchase of an OEM alternate fuel vehicle or engine:
  - 1) The alternate fuel OEM vehicle or engine, when operated using an alternate fuel, is certified to meet the requirements of subsection (c) or (d) of this Section; and
  - 2) A new OEM vehicle or engine must be purchased in Illinois and must either be an alternate fuel vehicle or used in an alternate fuel vehicle. [415 ILCS 120/30(b)]
- c) An eligible light-duty alternate fuel vehicle must meet the requirements of either subsection (c)(1)(A), (B), or (C) or (c)(2)(A) or (B) of this Section, and subsection (c)(3) of this Section:
  - 1) The conversion systems must be the latest model in current production and shall have been tested and certified by either:
    - A) USEPA;
    - B) CARB; or
    - C) A conversion system manufacturer using USEPA Memorandum 1A for the specific engine families, incorporated by reference in Section 275.140 of this Part; or
  - 2) OEM vehicles must be certified by either:
    - A) USEPA; or
    - B) CARB; and
  - 3) Notwithstanding subsections (c)(1) and (c)(2) of this Section an

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

alternate fuel LDV vehicle must meet or exceed emission standards applicable for the vehicle's model year and weight class. [415 ILCS 120/20]

- d) An eligible heavy-duty alternate fuel vehicle must meet the requirements of subsections (d)(1) or (d)(2), and (d)(3) of this Section:
  - 1) The conversion system must be the latest model in current production and shall have been tested and certified by USEPA; or
  - 2) The OEM vehicle must be certified by USEPA; and
  - 3) Notwithstanding the above, engines used in alternate fuel vehicles greater than 8500 pounds GVWR, whether new or remanufactured, shall meet the appropriate United States Environmental Protection Agency emissions standards at the time of manufacture, and if converted, shall meet the standards in effect at the time of conversion. [415 ILCS 120/20]

**Section 275.220 Fuel Cost Differential Rebate**

- a) An owner may apply for a fuel cost differential rebate, if the owner:
  - 1) Owns an alternate fuel vehicle(s) that meets the requirements in Section 275.210(a) or (b) of this Subpart, and the alternate fuel vehicle is registered and operated in the State of Illinois; and
  - 2) Has purchased domestic renewable fuel to fuel an alternate fuel vehicle(s).
- b) As part of the application required pursuant to Section 275.230(d) of this Subpart, the owner must certify to the following:
  - 1) The type of alternate fuel vehicle (HDV or LDV);
  - 2) The type of domestic renewable fuel on which the vehicle operates;
  - 3) That the domestic renewable fuel was used in the vehicle for over one-half of the miles driven annually, and the number of miles driven; and
  - 4) That the costs were incurred.
- c) An owner approved for a rebate pursuant to Section 275.240 of this Subpart is eligible to receive the rebate for up to 3 consecutive years. To receive the rebate, the owner must:
  - 1) Submit the documentation required pursuant to Section 275.230(a), (d) and (e) of this Subpart for each qualifying year.
  - 2) Continue to own the alternate fuel vehicle and use domestic renewable fuel for more than one-half of the miles driven. If the alternate fuel vehicle ceases to be registered to the original applicant owner, a prorated installment shall be paid to the owner or the owner's designee and the remainder of the rebate shall be canceled [415 ILCS 120/30(c)] or if domestic renewable fuel is used for less than one-half of the miles driven in the applicable calendar year, the rebate will be canceled for that year.
  - 3) Maintain records of domestic renewable fuel purchases for the



## ENVIRONMENTAL PROTECTION AGENCY

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applicable years. Records must include:

- A) Receipts of bulk fuel purchases;
  - B) Receipts of fuel purchases from a retail fuel operation; or
  - C) Bill for fuels provided through metered service.
- d) The amount of the annual rebate shall be determined as follows:
- 1) For LDVs using methanol or ethanol fuels, the amount listed in Appendix A of this Part.
  - 2) For LDVs using biomass fuels and any HDV using domestic renewable fuels, the formula below, but in no case will a rebate for the three year period exceed \$4,000:

$$\left( \frac{\text{mi/yr} * f[1]/\text{gal} - \text{mi/yr} * f[2]/\text{gal} * (.80)}{\text{mi/gal}[1] - \text{mi/gal}[2]} \right)$$

$$\text{mi/gal}[1] = \text{price per gallon in dollars of the domestic renewable fuel}$$

$$f[1]/\text{gal} = \text{price per gallon in dollars of the domestic renewable fuel}$$

$$f[2]/\text{gal} = \text{price per gallon in dollars of the conventional fuel}$$

$$\text{mi/gal}[1] = \text{number of miles to the gallon on domestic renewable fuel}$$

$$\text{mi/gal}[2] = \text{number of miles to the gallon on the conventional fuel}$$

$$\text{mi/yr} = \text{number of miles driven in the applicable calendar year}$$

## Section 275.230 Applications

To apply for a rebate, owners of alternate fuel vehicles must provide the Agency with the information listed in subsections (a) and (e) of this Section and the information from either subsection (b), (c) or (d) of this Section.

- a) Applications for a conversion, OEM, or fuel cost differential rebate must include the following information:

1) For each alternate fuel vehicle:

- A) The make, model, and year of manufacture;
- B) The date of vehicle acquisition or conversion;
- C) The vehicle identification number (VIN);
- D) The license plate number and the state of registration;
- E) The emission standard(s) to which the alternate fuel vehicle is certified (e.g., conventional, LEV, ULEV, ZEV, or ILEV) and the certifying agent (e.g., USEPA, CARB, or the Conversion System Manufacturer to Memorandum No. 1A, incorporated by reference in Section 275.140 of this Part);
- F) The alternate fuel for which the vehicle is certified to meet the requirements of Section 275.210(c) or (d) of this Subpart; and
- G) For LDVs, the 8-character alpha numeric bar-coded vehicle

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

emission configuration number assigned by the manufacturer and imprinted on vehicles manufactured on or after MY 1993;

H) The GVWR of the vehicle;

- I) Whether the vehicle will be primarily fueled at a public or a private fueling operation.

2) The amount of the rebate being requested and documentation as required by either subsection (b), (c), or (d) of this Section, demonstrating that the costs were actually incurred and how the rebate amount was calculated.

- b) Applicants for an OEM alternate fuel vehicle rebate, in addition to the information required by subsections (a) and (e) of this Section, must provide the following:

1) A copy of the sales invoice showing the purchase price of the alternate fuel vehicle; and

2) Documentation from the retailer indicating the retail cost or sticker price of a conventional fuel vehicle that is the same make, model, equipment, and year as the alternate fuel vehicle or engine purchased for which a rebate is being sought under this Part.

c) Applicants for a conversion alternate fuel vehicle rebate, in addition to the information required by subsections (a) and (e) of this Section, must provide:

- 1) The name and address of the person(s) performing the conversion;
- 2) A statement that the motor vehicle was converted in accordance with the applicable requirements of Section 275.210(a) of this Subpart; and

3) A copy of the conversion invoice showing the cost of the conversion.

d) Applicants for a fuel cost differential rebate, in addition to the information required in subsections (a) and (e) of this Section, must provide:

1) For the first year:

- A) For LDVs using methanol or ethanol, the name of the primary fuel supplier(s) and whether it is a public or private fueling operation from which the domestic renewable fuel is purchased, the number of gallons of domestic renewable fuel purchased, and number of miles driven that calendar year; and

B) For alternate fuel LDVs using biomass fuels and any alternate fuel HDV, the name of the domestic renewable fuel, the number of miles to the gallon for the domestic renewable fuel, the number of miles to the gallon for the conventional fuel, the cost per gallon of the alternate fuel, the cost per gallon of the conventional fuel, and the number of miles driven that calendar year.

- 2) For the second and third years, the owner must annually certify, once approved, that the owner still owns and operates the alternate fuel vehicle, has purchased domestic renewable fuel,

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

and that domestic renewable fuel was used for more than one-half of the miles driven in that calendar year. The statement must be signed by the owner, and must be submitted to the Agency no more than 30 days after the anniversary date of the rebate.

e) In addition to the information required in subsection (a) of this Section and either subsection (b), (c), or (d) of this Section, all applications submitted to the Agency must include the following:

- 1) The name, address, and phone number of the owner;
  - 2) If the applicant is not an individual:
    - A) The name of the entity, mailing address, and location of records if they are different from the information reported in subsection (e)(1) of this Section;
    - B) The number of employees; and
    - C) FEIN number;
  - 3) The number of motor vehicles owned;
  - 4) The primary location(s) of the vehicles;
  - 5) The name and address of the payee for the rebate; and
  - 6) The signature of the owner and social security number.
- f) Applications for costs incurred during calendar years 1997 and 1998 that meet the requirements of this Section and either Section 275.210 or 275.220 of this Subpart must be submitted by December 31 of that calendar year, but may be submitted earlier.

## Section 275.240 Agency Action

- a) The Agency shall review and approve applications that meet the requirements of Section 275.230 of this Subpart in June and December of fiscal years 1998, 1999, and 2000, consistent with fund availability and prioritization as set forth in subsections (b), (c), and (d) of this Section.
- b) The Agency shall establish priority classes for rebate applications for rebates in the following order:
  - 1) Vehicles of small fleet owners located in the covered area that refuel at a public fueling operation;
  - 2) Vehicles of small fleet owners located outside of the covered area that refuel at a public fueling operation;
  - 3) Other vehicles located in the covered area that refuel at a public fueling operation;
  - 4) Other vehicles located outside of the covered area that refuel at a public fueling operation;
  - 5) Vehicles of small fleet owners located in the covered area that refuel at a private fueling operation;
  - 6) Vehicles of small fleet owners located outside of the covered area that refuel at a private fueling operation;
  - 7) Other vehicles located in the covered area that refuel at a private fueling operation;
  - 8) Other vehicles located outside of the covered area that refuel at a private fueling operation and all other vehicles.

## ENVIRONMENTAL PROTECTION AGENCY

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- c) In addition to the priorities in subsection (b) of this Section, the Agency shall further sub-prioritize applications within a priority class by giving an alternate fuel vehicle that is federally certified or CARB certified to an ILEV, LEV, ULEV or ZEV emission standard higher priority within their priority class as determined by subsection (b) of this Section.
- d) In addition to the priorities in subsections (b) and (c) of this Section, the Agency shall further prioritize applications within a sub-priority class as determined by subsection (c) of this Section by giving applications priority in the order in which the application was received.
- e) Notwithstanding subsections (b) and (c) of this Section, rebate amounts shall be limited by the following criteria:
  - 1) An owner may receive only one type of rebate per alternate fuel vehicle either for the conversion, OEM, or the fuel cost differential. An alternate fuel vehicle is eligible for only one rebate.
  - 2) An owner of an alternate fuel vehicle may receive rebates for no more than 150 alternate fuel vehicles per location and no more than 300 alternate fuel vehicles total for all locations.
  - 3) Rebates for OEMs or conversions of conventional vehicles are limited to \$4,000 per vehicle or eighty percent of the cost of either subsection (e)(3)(A) or (e)(3)(B) of this Section, whichever is less:
    - A) The cost of converting a conventional vehicle to an alternate fuel vehicle; or
    - B) The additional cost of purchasing an OEM alternate fuel vehicle or engine versus a conventional vehicle or engine.
  - 4) Rebates for the purchase of domestic renewable fuels will be determined in accordance with Section 275.220(d) of this Subpart, but in no case will a rebate for the three year period exceed \$4,000.
- f) Rebates in any period will be limited to the funds available in the Alternate Fuel Fund for the applicable period.
- g) The Agency shall notify owners of whether their application for a rebate has been approved or held over to a subsequent period within 90 days after the end of the applicable period. Applications held over retain their priority as determined by subsections (b), (c) and (d) of this Section.



## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED RULES

## Section 275. APPENDIX A Annual Fuel Cost Differential For LDVs

ANNUAL MILES	ETHANOL FUEL (in dollars)	METHANOL FUEL (in dollars)
>17,500 mi/yr	450	525
<17,500 mi/yr	340	390

## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Illinois Liquor Control Commission2) Code Citation: 11 Ill. Adm. Code 100

Section Numbers:	Proposed Action:
100.10	Amend
100.40	Add
100.50	Amend
100.70	Amend
100.170	Amend
100.280	Amend
100.330	Amend
100.340	Amend
100.350	Amend

4) Statutory Authority: Section 3-12(2) of the Liquor Control Act of 1934 [235 ILCS 5/3-12(2)].5) Complete Description of the Subjects and Issues Involved: Section 100.10(r) adds a new definition called "tasting" to allow dissemination of small quantities of alcoholic product at a licensed premise by a licensee or registered tasting representative for educational purposes.

Section 100.10(s) adds a new definition of "service bar".

Section 100.40 requires that any non-licensed person wishing to conduct tastings as newly defined in 100.10(r) be registered with the State Liquor Control Commission.

Section 100.50 updates federal citations.

Section 100.70(b)(9) allows containers to have labels or statements showing alcoholic content in accordance with the U.S. Supreme Court decision in *Rubin v. Coors Brewing Co.*

Section 100.170(a) amends by waiving the ten foot tap handle visibility requirement for service bars as newly defined in 100.10(s).

Section 100.280(c) amends by exempting tastings, as newly defined in 100.10(r), from giving away of alcoholic liquor.

Section 100.330 amends by eliminating "or entity having more than a 5% interest in a retail licensee" as redundant; any entity with a 5% or more interest in a retail licensee must be disclosed on a retail license application.

Section 100.340 amends to update new Springfield office address.

## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Section 100.350 amends to update new Springfield office address.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on these proposed amendments may submit them in writing by no later than 45 days after publication of this notice to:

Anne T. Treonis, Legal Counsel  
Executive Director  
Illinois Liquor Control Commission  
100 W. Randolph St. #5-300  
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses that are not currently licensed by this Commission and conduct alcoholic liquor tastings at licensed establishments.

B) Reporting, bookkeeping or other procedures required for compliance:  
No additional procedures required.

C) Types of professional skills necessary for compliance: None.

- 13) Regulatory Agenda on with this rulemaking was summarized: January 1996

The full text of the Proposed Amendments begins on the next page:

## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE A: ALCOHOL

## CHAPTER I: ILLINOIS LIQUOR CONTROL COMMISSION

## PART 100

## THE ILLINOIS LIQUOR CONTROL COMMISSION

Section	
100.5	Penalties
100.10	Definitions
100.20	Employment of Minors
100.30	Violation of Federal Law, State Statute or City, Village or County Ordinance or Regulation
100.40	Registration of Tasting Representatives <del>Local---</del> Liquor---Control Commission's Report (Repeated)
100.50	Advertising
100.60	Geographical Territories
100.70	Labels
100.80	Bonds (Repealed)
100.90	Credit to Retail Licensees
100.100	Internal Changes Within Corporations
100.110	Application Forms
100.120	Railroad Licenses
100.130	Books and Records
100.140	Miniatures (Repealed)
100.150	Salvaged Alcoholic Liquors
100.160	Sanitation
100.170	Taps
100.180	Procedure Before Commission on Citations
100.190	Procedure Before Commission on Request for Continuance of Any Hearing
100.200	Wagering Stamps (Repealed)
100.210	Inducements
100.220	Retail Licensee Clubs (Repealed)
100.230	Resumption of Business on Appeal
100.240	Transactions Involving Use of Checks and Their Equivalent
100.250	Transfer of Alcohol
100.260	Uniform Systems of Accounts
100.270	Multi-Use Facilities
100.280	Giving Away of Alcoholic Liquors
100.290	Refilling
100.300	Authorization to Remove Bottles
100.310	Food Service at Park Districts
100.320	Airplanes
100.330	Advertising
100.340	Petitions for the Adoption, Amendment or Repeal of a Rule
100.350	Procedures For Filing Appeals From an Order of the Local Liquor Control Commissioner



## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 100.360 Review on Record -- Certification of Ordinance  
 100.370 Procedures Before the Commission  
 100.380 Ex Parte Consultations  
 100.390 Review on Record -- Certification of Ordinance (Renumbered)  
 100.400 Procedures Before the Commission (Renumbered)  
 100.410 Ex Parte Consultations (Renumbered)

AUTHORITY: Implementing and authorized by Section 3-12(2) of the Liquor Control Act [235 ILCS 5/3-12(2)].

SOURCE: Rules and Regulations of the Illinois Liquor Commission, amended March 31, 1977; amended July 7, 1977; amended at 3 Ill. Reg. 12, p. 65, effective March 22, 1979; codified at 5 Ill. Reg. 10706; amended at 8 Ill. Reg. 6041, effective April 19, 1984; amended at 12 Ill. Reg. 19387, effective November 7, 1988; amended at 18 Ill. Reg. 4811, effective March 9, 1994; amended at 20 Ill. Reg. 834, effective January 2, 1996; expedited correction at 20 Ill. Reg. 4469, effective January 2, 1996; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 100.10 Definitions

The following words or phrases are defined as follows:

- a) "Resident" means any person (other than a corporation) who has resided and maintained a bona fide residence in the State of Illinois for at least one year and in the city, village or county in which the premises covered by the license are located for at least 90 days prior to making application for such license.
- b) "Corporation" means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the Business Corporation Act of 1983 [805 ILCS 5], including a Limited Liability Company as defined in subsection (m) below.
- c) "Person" includes corporations, co-partnerships, associations, clubs, individuals, trustees, receivers, assignees, executors, administrators or other personal representatives of decedents.
- d) "Co-partnership" means an association of two or more persons to carry on as co-owners of a business for profit.
- e) "Partner" is any individual who is a member of a co-partnership.
- f) "Manager" or "Agent" means any individual employed by any licensed place of business, provided said individual possesses the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form and manner as such Commission shall from time to time prescribe.
- g) "Premises" or "Place of Business" means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, streets, parking areas and grounds adjacent to any such place or

## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- location.
- h) "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as defined in the Act, provided that the alcoholic content thereof does not exceed 24 per cent of alcohol by volume. [235 ILCS 5/1-3.03]
  - i) "Alcoholic Liquor ~~liquor~~" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and, in the judgment of the State Commission, capable of being consumed as a beverage by a human being. The word "solid" means any substance which, by dilution or processing, becomes an alcoholic beverage.
  - j) "Manufacturer" shall include every person who, in the process of filling or refilling an original package with alcoholic liquors purchased by such person, changes the degree or quality of such alcoholic liquors by any manner or means whatsoever.
  - k) "Airplane" shall be deemed to include railroads and airplanes.
  - l) "Act" means the Illinois Liquor Control Act [235 ILCS 5].
  - m) "Limited Liability Company" means a legal business entity created and recognized under the Illinois Limited Liability Company Act [805 ILCS 180].
  - n) "Meal" means food that is prepared and served on the licensed premises and excludes the serving of snacks.
  - o) "Event" means a single theme.
  - p) "Sampling" means a product offered at an off-premise retail licensee for a sales promotion of no more than the following amounts: Distilled Spirits 1/2 oz., Wine 2 oz., and Beer 6 oz.; only one product per day may be sampled and the sales promotion may not be advertised.
  - q) "Test Marketing" means to test new products or products unfamiliar to the sampler through a marketing firm or the like.
  - r) "Tasting" means a supervised presentation of alcoholic products to the public at an off-premise licensed retailer for the purpose of disseminating product information and education, with consumption of alcoholic products being an incidental part thereof. Only products registered with the State Commission may be tasted in the following amounts: Distilled Spirits 1/4 oz., Wine 1 oz., and Beer 2 oz.; notice of the tasting may be given. Tasting must be done by a licensee and/or a registered tasting representative in accordance with Section 100.40.
  - s) "Service Bar" means a place or location not within view of the general public where beer and wine may be poured and served through a draught system. A service bar may only be located in a kitchen, food preparation area, or wait or server station area of a retail licensee who primarily serves meals, as described in Section 100.10(n).

## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 100.40 Registration of Tasting Representatives ~~Local--Liquor--Control Commissioner's Report--(Repealed)~~**

- a) Any non-licensee wishing to conduct a tasting pursuant to Section 100.10(f) must register with the State Commission. A registered tasting representative acts as the agent of the licensee.
- b) Registration is fulfilled by submitting a form including the name of the person, address, licensee representing, if applicable, and any other questions deemed appropriate and necessary, and a \$100 administrative fee payable annually to the Commission.
- c) Registration identification, or a copy thereof, must be available for inspection during a tasting.

(Source: Section repealed at 8 Ill. Reg. 6041, effective April 19, 1994; new section added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 100.50 Advertising**

- a) General Requirements:  
Federal Alcohol Administration Regulation No. 4 relating to the advertising of wine (27 C.F.R. Section 4 (1997-1995)), no subsequent dates or editions), Federal Alcohol Administration Regulation No. 5 relating to the advertising of distilled spirits (27 C.F.R. Section 5 (1997-1995)), no subsequent dates or editions) and Federal Alcohol Regulation No. 7 relating to the advertising of malt beverages (27 C.F.R. Section 7 (1997-1995)), no subsequent dates or editions), are hereby adopted and made a part of this Section for advertising of wine, distilled spirits and malt beverages insofar as the federal regulations are not contrary to, or inconsistent with, the provisions of the laws of Illinois or this Part.
- b) Advertising:
  - 1) No licensee, or the agent or representative thereof, may advertise any alcoholic beverage in any medium intended for circulation, viewing or listening within this State unless such advertisement is in conformity with the provisions of this Part.
  - 2) Such advertisement shall conform to the approved label upon the immediate container of the alcoholic liquor so advertised.
  - 3) Such advertisements shall not contain illustrations of children nor shall they make use of any material which would make a special appeal to juveniles.
  - 4) Such advertisements shall not contain any material which is false or untrue in any respect.

## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 100.70 Labels**

- a) No manufacturer, nonresident dealer, distributor or importing distributor shall sell or deliver any package or container containing alcoholic liquor manufactured or delivered by such person unless the same is labeled in conformity with this Section.
- b) General requirements and Restrictions:
  - 1) Federal Alcohol Administration Regulations Nos. 4, 5 and 7 relating to the labeling of wine, distilled spirits and malt beverages (27 C.F.R. Section 4, 5, and 7, April 1997-1995, not including any later amendments or editions), are hereby adopted and made a part of this Section for labeling every package or container of wine, distilled spirits and malt beverages, with the following exceptions:
    - A) Wine includes all products as defined in Section 1-3.03 of the Act [235 ILCS 5/1-3.03] and Section 100.10(h) of this Part.
    - B) Alcoholic content must be stated on all wine labels.
  - 2) The aforesaid regulations shall apply to wine, distilled spirits and malt beverages packaged purely for intrastate commerce within the State of Illinois to the same extent as though intended for interstate or foreign shipment.
  - 3) No manufacturer, nonresident dealer, distributor or importing distributor shall affix any label to any package or container containing alcoholic liquor for sale or delivery in the State of Illinois until such label has been submitted to and approved by the federal government. Such manufacturer, nonresident dealer, distributor or importing distributor shall submit to the Illinois Liquor Control Commission a photostatic copy of the federal label approval.
  - 4) No package or container containing alcoholic liquor labeled as "whiskey" or "gin" may be imported into, delivered or sold in the State of Illinois unless the entire alcoholic content thereof, except flavoring materials, is a distillate of fermented mash of grain or mixtures of grains. Packages or containers of alcoholic liquor of the type of whiskey or gin not conforming to the requirement must be labeled "imitation whiskey" or "imitation gin", as the case may be.
  - 5) Wine Labels
    - A) Wine labels must contain the name and address of the manufacturer or the bottler of the product.
    - B) For the purpose of this Section, the use of an assumed trade name which has been registered with the Clerk of the County in which the manufacturer or bottler is located, is



## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

acceptable.

## 6) Malt Beverage Labels

- A) Malt beverage labels must contain the name and address of the brewery which manufactured or canned or bottled the product.
- B) For the purpose of this Section, the use of an assumed trade name which has been registered with the Clerk of the County in which the manufacturer or bottler is located, is acceptable.

## 7) Distilled Spirits Labels

- A) Labels of all alcoholic liquors other than wine and malt beverages must contain either the phrase "Bottled By" or "Distilled By" (or other descriptive identification of the manufacturer of the product) followed by the name and address of the bottler or manufacturer, as the case may be.
- B) For the purpose of this Section, the use of an assumed trade name which has been registered with the Clerk of the County in which the manufacturer or bottler is located, is acceptable.

- 8) No statement of age shall be made with respect to gins, cordials, liqueurs or specialties.

- 9) ~~No person shall sell or offer for sale in this State any bottled beverage in a retail container of beer which shall have affixed thereto any label or statement showing the alcoholic content thereof.~~

- 9) ~~10) The Commission shall withhold approval of any label if it has reasonable cause to believe that the wording or design contained on the label may, in any manner, tend to deceive the purchaser as to the true nature of such alcoholic liquor.~~

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 100.170 Taps

- a) Each retail licensee selling malt beverages or wine on draught for consumption on the premises, shall display a sign on, over or near each tap or faucet showing the trade-mark, brand or name of alcoholic liquor. This sign must be visible to patrons for a distance of at least ten (10) feet unless it is a service bar as defined in Section 100.10(s).

- b) No licensee shall substitute any other brand of malt beverages or wine in place of the brand designated by such visible sign and the licensee shall be prepared at all times to serve any malt beverages or wine that are advertised by such sign or signs upon the premises.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

\_\_\_\_\_)

## Section 100.280 Giving Away of Alcoholic Liquors

- a) No licensee, individual, partnership or corporation shall give away any alcoholic liquor for commercial purposes or in connection with the sale of non-alcoholic products or to promote the sale of non-alcoholic products.
- b) No licensee, individual, partnership, or corporation shall advertise or promote in any way, whether on or off licensed premises, any of the practices prohibited under subsection (a) above. This includes, but is not limited to, advertisements using the words "free" or "complimentary" with alcoholic liquor.
- c) Subsection (a) above shall not apply to sampling, or test marketing or tasting.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 100.330 Advertising

- a) Pursuant to Sections 6-4, 6-5, and 6-6 of the Act [235 ILCS 5/6-4, 6-5, and 6-6], no retail licensee ~~or entity having more than a 5% interest in a retail licensee~~ shall have any direct or indirect interest in or control of any advertising or promotional company which receives funds directly or indirectly from, or for the account of, any manufacturer, non-resident dealer, broker, distributor, importing distributor or foreign importer of alcoholic beverages; nor shall any manufacturer, non-resident dealer, broker, distributor, importing distributor or foreign importer make any payment, direct or indirect, to any retailer or any other entity which provides advertising, promotional or display services for retailers in consideration of any advertising or promotional efforts of any kind not allowed under the Illinois Liquor Control Act or the rules and regulations of the Commission.

- b) Nothing herein shall prohibit any manufacturer, non-resident dealer, distributor, importing distributor, or foreign importer from sponsoring an event at a venue which sole purpose is to host live entertainment, provided that no indirect or direct payment is made to the retailer and that any reference to the retailer in any advertising is incidental to the event itself.

- c) Subsections (a) and (b) above do not apply to a person holding a special event retailer's license.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

**Section 100.340 Petitions for the Adoption, Amendment or Repeal of a Rule**

Pursuant to Sections 3-12 and 3-13 of the Act [235 ILCS 5/3-12 and 3-13], ~~formerly Chapter 43, Illinois Revised Statutes, paragraphs 100-1 and 100-2~~ and Article 5 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 5]:

- a) Any interested person may petition this Commission requesting the adoption, amendment or repeal of a rule. Such petition shall be submitted in writing to the Illinois Liquor Control Commission, James R. Thompson Center, 100 W. Randolph St., Suite 5-300, Chicago, Illinois 60601, or 222 S. College ~~300-West-Monroe Street, 1st Floor, Springfield, Illinois 62704~~. Six copies of each petition along with any supporting documents shall be submitted in the following form:
  - 1) Petition for (Adoption, Amendment, Repeal) of (a) Rule (Rule No. if Applicable) of the Illinois Liquor Control Commission.
  - 2) I, (Name of Interested Party), do hereby petition the Illinois Liquor Control Commission to (Adopt, Amend, Repeal) (a) Rule (Rule No. if Applicable) for the following reasons:
    - 3) (State reasons as fully as possible. Attach or include any documentation for your reasons.)
  - b) If the petition is for the Adoption or Amendment of a Rule, attach a draft of the proposed adopted or amended Rule which you feel will adequately deal with the reasons you outlined for adoption or amendment.
  - c) All such petitions shall be signed by the petitioner and shall state his or her address and phone number. A petition shall also state whether the petitioner is a licensee of this Commission or not, and whether they are related to or connected with any licensee of this Commission, and if so, in what capacity.
  - d) Upon receipt of a petition in the proper form, such petition will be considered by the Commission. If the petition is granted, the petitioner will be notified in writing and the Commission shall initiate rule-making proceedings in accordance with Article 5 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 5] and 2 Ill. Adm. Code 2075.100.
  - e) If, within 30 days after submission of a petition, the Commission has not initiated rule-making proceedings in accordance with Article 5 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 5] and 2 Ill. Adm. Code 2075.100, the petition shall be deemed to have been denied.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 100.350 Procedures For Filing Appeals From an Order of the Local Liquor Control Commissioner**

Pursuant to Sections 3-12 and 3-13 of the Act [235 ILCS 5/3-12 and 3-13] and

## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Section 10-25 of the Illinois Administrative Procedure Act [5 ILCS 100/10-25]:

- a) In all cases where an appeal from an order or action of the local liquor control commissioner is filed with this Commission, the party filing the appeal shall furnish, along with the petition to appeal:
  - 1) a copy of the citation and notice of hearing before the local liquor control commissioner, if any;
  - 2) a copy of the decision or order of the local liquor control commissioner;
  - 3) a copy of any local ordinances charged to be violated;
  - 4) the current State Retail Liquor License number of the establishment involved;
  - 5) a statement indicating whether or not the licensee has, within the last 12 month period, had a suspension or revocation placed upon said licensee, and if so, all the details relating thereto.
- b) In all cases where an appeal is to be heard upon the record, a certified official record of the proceedings taken and prepared by a certified court reporter, along with all exhibits, shall be filed by the local liquor control commissioner within 5 days after notice of the filing of such appeal, if the appellant licensee pays for the transcript and five additional copies.
- c) The parties shall file six copies of any documents filed in connection with the said appeal.
- d) Upon notice to the local liquor control commissioner that an appeal has been accepted by this Commission, Section 100.230 of the Illinois Liquor Control Commission shall become effective, when applicable.
- e) All materials filed with this Commission shall be served upon the opposing party, or parties in interest.
- f) Proof of service upon the opposing party or parties in interest shall accompany all materials filed with this Commission and served upon such parties.
- g) All material filed with this Commission shall be filed at James R. Thompson Center, 100 West Randolph Street, Room 5-300, Chicago, Illinois 60601 or 222 S. College ~~300-West-Monroe Street, 1st Floor, Springfield, Illinois 62704~~ 62706.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Adopted Action:  
112.66 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: January 15, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 15, 1997
- 9) Notice of Proposal Published in Illinois Register:  
August 16, 1996 (20 Ill. Reg. 10766)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:
1. In Section 112.66(a), "AFDC" was changed to "AFDC-R".
  2. In Section 112.66(a), "a demonstration project area" was changed to "demonstration project areas (Kenwood, Oakland, Peoria, Pershing and Winnebago)".
  3. In Section 112.66(a) "(see 77 Ill. Adm. Code 2060, Alcoholism and Substance Abuse Treatment and Intervention Licenses)" was added after "substance abuse problem".
  4. In Section 112.66(b), "without good cause" was added after "participate" and "when there is a currently available treatment slot," was added after "program".
  5. In Sections 112.66(b)(1)(2) and (3), "as defined by the DASA treatment provider" was changed to "as defined by DASA".
  6. Section 112.66(b)(4) was deleted and was replaced by New Section 112.66(c) as follows:  
c) Supportive services will be provided to enable the client to

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- participate in the alcohol or substance abuse treatment program."
- The remaining Sections were appropriately renumbered.
7. In Section 112.66(d), "as a condition of eligibility" was enclosed in commas and "Section" was added before "112.71".
- No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation            |
|----------|-----------------|---------------------------------------|
| 112.10   | Amendment       | January 10, 1997 (21 Ill. Reg. 549)   |
| 112.71   | Amendment       | August 30, 1996 (20 Ill. Reg. 11560)  |
| 112.98   | Amendment       | April 26, 1996 (20 Ill. Reg. 5965)    |
| 112.340  | Repealed        | January 24, 1997 (21 Ill. Reg. )      |
| 112.352  | Amendment       | January 17, 1997 (21 Ill. Reg. 797)   |
| 112.354  | Amendment       | January 17, 1997 (21 Ill. Reg. 797)   |
| 112.414  | Amendment       | October 11, 1996 (20 Ill. Reg. 13138) |
- 15) Summary and Purpose of Amendments: State legislation has passed which will result in the development of a demonstration to target and aid in the removal of barriers, such as alcohol and substance abuse, to help AFDC recipients move from welfare to work. Pursuant to provisions of Public Act 89-0562, the Department, in cooperation with the Department of Alcoholism and Substance Abuse, is authorized to conduct a demonstration project. The demonstration project will require clients, who are identified as potentially having an alcohol or substance abuse problem, to participate in an alcohol or substance abuse treatment program, as a condition of eligibility for AFDC, if living in a demonstration site. Public Act 89-0562 also specifies that at the end of the demonstration, the project may be expanded to other areas of the State or the entire State. A federal waiver is necessary to implement this demonstration project.
- If the Department identifies a client as potentially having a substance abuse problem and failure to cooperate with mandatory treatment occurs, deletion from the grant would result. This rulemaking allows the Department to implement sanctions that would affect AFDC-R and AFDC-U clients. The sanctions would be increasingly punitive, beginning with

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

deletion from the grant until the client cooperates, up to a maximum of six months.

AFDC recipients that have been identified as potentially having a substance abuse problem would be mandated to seek treatment and would be referred to DASA. DASA would then determine if the client actually has an alcohol or substance abuse problem and, if so, subsequently work with the client to overcome the problem. The Department will provide supportive services to enable the client to participate in the alcohol or substance abuse treatment program. Failure to comply could result in possible reduced benefits.

These amendments establish that all designated adult AFDC-R and AFDC-U clients, living in a demonstration project area, identified as having an alcohol or substance abuse problem, must participate in an alcohol or substance abuse treatment program as a condition of eligibility, unless the adult is employed 30 hours per week or more. The demonstration project may potentially include as many as five areas: Winnebago and Peoria counties and three Chicago district offices (Kenwood, Oakland and Pershing). AFDC cases in the demonstration project area will be assigned to an experimental or a control group. The adults in the experimental cases, meeting the criteria, will be subject to these provisions.

Failure to participate in an alcohol or substance abuse treatment program will result in progressive sanction or sanctions for the adult:

- 1) First sanction - The client will be deleted from the cash grant until cooperation, as defined by DASA.
- 2) Second sanction - The client will be deleted from the cash grant for three months or until cooperation, as defined by DASA, whichever is longer.
- 3) Third and subsequent sanctions - The client will be deleted from the cash grant for six months or until cooperation, as defined by DASA, whichever is longer.

Adults in the experimental cases who must participate in an alcohol or substance abuse treatment program, as a condition of eligibility, are JOBS mandatory. For these individuals, the exemption criteria listed in Section 112.71 will not apply.

Final analyses will rest on a comparison of two groups:

1. a control group consisting of approximately 1,296 cases including those voluntarily participating with no resulting sanctions; and
2. an experimental group consisting of approximately 1,296 cases. The

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

experimental group members will be targeted via their mandatory involvement in the JOBS program.

Companion amendments are being adopted in 89 Ill. Adm. Code 170.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna  
Address: Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 112

## AID TO FAMILIES WITH DEPENDENT CHILDREN

## SUBPART A: GENERAL PROVISIONS

## Section

112.1 Description of the Assistance Program  
112.5 Incorporation by Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

112.8 Caretaker Relative  
112.9 Client Cooperation  
112.10 Citizenship  
112.20 Residence  
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112.40 Relationship  
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## Section

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## Section

112.400	Transitional Child Care Eligibility
112.404	Duration of Eligibility for Transitional Child Care
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112.408	Qualified Child Care Providers
112.410	Notification of Available Services
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112.418	Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13,



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1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27,

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1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19883, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective

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April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of

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150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amended at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366-  
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## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section 112.66 Alcohol and Substance Abuse Treatment

- a) All designated adult AFDC-R and AFDC-U clients living in demonstration project areas (Kenwood, Oakland, Peoria, Pershing and Winnebago) identified as having an alcohol or substance abuse problem (see 77 Ill. Adm. Code 2060, Alcoholism and Substance Abuse Treatment and Intervention Licenses) must participate in an alcohol or substance abuse treatment program as a condition of eligibility, unless the adult is employed 30 hours per week or more. AFDC cases in the demonstration project area are assigned to experimental or control groups. The adults in the experimental cases meeting the criteria are subject to this policy.
- b) Failure to participate, without good cause, in an alcohol or substance abuse treatment program, when there is a currently available treatment slot, will result in progressive sanction or sanctions for the adult:
  - 1) First sanction - The client is deleted from the cash grant until cooperation, as defined by DASA.
  - 2) Second sanction - The client is deleted from the cash grant for three months or until cooperation, as defined by DASA, whichever is longer.
  - 3) Third and subsequent sanctions - The client is deleted from the cash grant for six months or until cooperation, as defined by DASA, whichever is longer.
- c) Supportive services will be provided to enable the client to participate in the alcohol or substance abuse treatment program.
- d) Adults in the experimental cases who must participate in an alcohol or substance abuse treatment program, as a condition of eligibility, are JOBS mandatory. For these individuals, the exemption criteria listed in Section 112.71 do not apply.
- e) The provisions of this Section are subject to receipt of federal waivers.

(Source: Added at 21 Ill. Reg. 1366, effective



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## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Demonstration Programs2) Code Citation: 89 Ill. Adm. Code 1703) Section Numbers: 170.500  
Adopted Action:  
New Section4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]5) Effective Date of Amendments: January 15, 19976) Does this rulemaking contain an automatic repeal date? No7) Do these Amendments contain incorporations by reference? No8) Date Filed in Agency's Principal Office: January 15, 19979) Notice of Proposal Published in Illinois Register: August 16, 1996 (20 Ill. Reg. 10778)10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No11) Differences between proposal and final version: The following changes were made to the text of the proposed amendments:

1. In Section 170.500(a), "AFDC" was changed to "AFDC-R".

2. In Section 170.500(a), "a demonstration project area" was changed to "demonstration project areas (Kenwood, Oakland, Peoria, Pershing and Winnebago)".

3. In Section 170.500(a), (see 77 Ill. Adm. Code 2060, Alcoholism and Substance Abuse Treatment and Intervention Licenses), "was added after "substance abuse problem".

4. In Section 170.500(b), "without good cause" was added after "participate" and "when there is a currently available treatment slot," was added after "program".

5. In Sections 170.500(b)(1)(2) and (3), "as defined by the DASA treatment provider" was changed to "as defined by DASA".

6. Section 170.500(b)(4) was deleted and was replaced by New Section 170.500(c) as follows:

"c) Supportive services will be provided to enable the client to participate in the alcohol or substance abuse treatment program."

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## NOTICE OF ADOPTED AMENDMENTS

The remaining Sections were appropriately renumbered.

7. In Section 170.500(d), "as a condition of eligibility" was enclosed in commas and "Section" was added before "112.71".

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace Emergency Amendments currently in effect? No

- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
170.380	Amendment	October 25, 1996 (20 Ill. Reg. 13900)
170.410	New Section	April 26, 1996 (20 Ill. Reg. 5977)

- 15) Summary and Purpose of Amendments: State legislation has passed which will result in the development of a demonstration to target and aid in the removal of barriers, such as alcohol and substance abuse, to help AFDC recipients move from welfare to work. Pursuant to provisions of Public Act 89-0562, the Department, in cooperation with the Department of Alcoholism and Substance Abuse, is authorized to conduct a demonstration project. The demonstration project will require clients, who are identified as potentially having an alcohol or substance abuse problem, to participate in an alcohol or substance abuse treatment program, as a condition of eligibility for AFDC, if living in a demonstration site. Public Act 89-0562 also specifies that at the end of the demonstration, the project may be expanded to other areas of the State or the entire State. A federal waiver is necessary to implement this demonstration project.

If the Department identifies a client as potentially having a substance abuse problem and failure to cooperate with mandatory treatment occurs, deletion from the grant would result. This rulemaking allows the Department to implement sanctions that would affect AFDC-R and AFDC-U clients. The sanctions would be increasingly punitive, beginning with deletion from the grant until the client cooperates, up to a maximum of six months.

AFDC recipients that have been identified as potentially having a substance abuse problem would be mandated to seek treatment and would be referred to DASA. DASA would then determine if the client actually has an alcohol or substance abuse problem and, if so, subsequently work with the client to overcome the problem. The Department will provide supportive services to enable the client to participate in the alcohol or substance

## DEPARTMENT OF PUBLIC AID

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abuse treatment program. Failure to comply could result in possible reduced benefits.

These amendments establish that all designated adult AFDC-R and AFDC-U clients, living in a demonstration project area, identified as having an alcohol or substance abuse problem, must participate in an alcohol or substance abuse treatment program as a condition of eligibility, unless the adult is employed 30 hours per week or more. The demonstration project may potentially include as many as five areas: Winnebago and Peoria counties and three Chicago district offices (Kenwood, Oakland and Pershing). AFDC cases in the demonstration project area will be assigned to an experimental or a control group. The adults in the experimental cases, meeting the criteria, will be subject to these provisions.

Failure to participate in an alcohol or substance abuse treatment program will result in progressive sanction or sanctions for the adult:

- 1) First sanction - The client will be deleted from the cash grant until cooperation, as defined by DASA.
- 2) Second sanction - The client will be deleted from the cash grant for three months or until cooperation, as defined by DASA, whichever is longer.
- 3) Third and subsequent sanctions - The client will be deleted from the cash grant for six months or until cooperation, as defined by DASA, whichever is longer.

Adults in the experimental cases who must participate in an alcohol or substance abuse treatment program, as a condition of eligibility, are JOBS mandatory. For these individuals, the exemption criteria listed in Section 112.71 will not apply.

Final analyses will rest on a comparison of two groups:

1. a control group consisting of approximately 1,296 cases including those voluntarily participating with no resulting sanctions; and
2. an experimental group consisting of approximately 1,296 cases. The experimental group members will be targeted via their mandatory involvement in the JOBS program.

Companion amendments are being adopted in 89 Ill. Adm. Code 112.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Judy Umunna  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER 9: DEMONSTRATION PROGRAMS

PART 170  
DEMONSTRATION PROGRAMS

SUBPART A: THE FRESH START  
WELFARE REFORM DEMONSTRATION PROGRAM

Section	
170.10	Youth Employment and Training Initiative
170.20	Paternal Involvement Project
170.30	Homeless Families Support Project
170.40	Family Responsibility Project
170.50	Income Budgeting Project

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section	
170.100	The Career Advancement Program
170.110	Career Advancement Experimental and Control Groups
170.120	Career Advancement Participation Requirements of Experimental Group Members
170.130	Career Advancement Supportive Services for Experimental Group Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section	
170.200	Community Group Participation Program

SUBPART D: EARNED INCOME INITIATIVE

Sections	
170.250	Work Pays Demonstration

SUBPART E: THE SCHOOL ATTENDANCE INITIATIVE

170.300	School Attendance Initiative
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SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section	
170.350	Family Accountability
170.360	Get a Job Initiative
170.370	Targeted Work Initiative (TWI)
170.380	Quarterly Reporting - Failure to Report Employment Demonstration Project

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## 170.390 Employment Plan Demonstration Project

## SUBPART G: BIOMETRIC IDENTIFICATION DEMONSTRATION

## Section

170.400 Retinal Scanning

SUBPART H: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS)  
DEMONSTRATION PROGRAM

## Section

170.450 Young Parent Services South Home Visitor, Demonstration (Project Link)

## SUBPART I: DASA/DPA SUBSTANCE ABUSE INITIATIVE

## Section

170.500 DASA/DPA Substance Abuse Initiative

**AUTHORITY:** Implementing and authorized by Sections 4-1, 4-1.10, 4-8, 4-17, 11-20, 12-4.28 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1, 4-1.10, 4-8, 4-17, 11-20, 12-4.28 and 12-13].

**SOURCE:** Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. 19197, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19721, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3372, effective February 28, 1994; emergency amendment at 19 Ill. Reg. 645, effective January 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 7901, effective June 8, 1995; emergency amendment at 19 Ill. Reg. 15256, effective November 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15849, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16314, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 866, effective January 1, 1996; amended at 20 Ill. Reg. 4333, effective February 29, 1996; amended at 20 Ill. Reg. 5685, effective March 30, 1996; amended at 20 Ill. Reg. 6029, effective April 12, 1996; amended at 20 Ill. Reg. 6517, effective April 29, 1996; amended at 21 Ill. Reg. **1370**, effective JAN 1, 1997.

## SUBPART I: DASA/DPA SUBSTANCE ABUSE INITIATIVE

## Section 170.500 DASA/DPA Substance Abuse Initiative

- a) All designated adult AFDC-R and AFDC-U clients living in demonstration project areas (Kenwood, Oakland, Peoria, Pershing and Winnebago) identified as having an alcohol or substance abuse problem (see 77 Ill. Adm. Code 2060, Alcoholism and Substance Abuse Treatment and

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Intervention Licenses) must participate in an alcohol or substance abuse treatment program as a condition of eligibility, unless the adult is employed 30 hours per week or more. AFDC cases in the demonstration project area are assigned to experimental or control groups. The adults in the experimental cases meeting the criteria are subject to this policy.

- b) Failure to participate, without good cause, in an alcohol or substance abuse treatment program, when there is a currently available treatment slot, will result in progressive sanction or sanctions for the adult:

1) First sanction - The client is deleted from the cash grant until cooperation, as defined by DASA.

2) Second sanction - The client is deleted from the cash grant for three months or until cooperation, as defined by DASA, whichever is longer.

3) Third and subsequent sanctions - The client is deleted from the cash grant for six months or until cooperation, as defined by DASA, whichever is longer.

c) Supportive services will be provided to enable the client to participate in the alcohol or substance abuse treatment program.

d) Adults in the experimental cases who must participate in an alcohol or substance abuse treatment program, as a condition of eligibility, are JOBS mandatory. For these individuals, the exemption criteria listed in Section 112.71 do not apply.

e) The provisions of this Section are subject to receipt of federal waivers.

(Source: Added at 21 Ill. Reg. **1370**, effective JAN 1, 1997)



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs
- 2) Code Citation: 89 Ill. Adm. Code 553
- 3) Section Numbers: Adopted Action:  
 553.10 Amendments  
 553.20 Amendments  
 553.40 Amendments  
 553.50 Amendments  
 553.70 Amendments  
 553.80 Amendments  
 553.90 Amendments  
 553.100 Amendments  
 553.105 Amendments  
 553.110 Amendments  
 553.120 Amendments  
 553.140 Amendments

- 4) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

- 5) Effective Date of Rulemaking: January 17, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: January 17, 1997

- 9) Notice of Proposal Published in Illinois Register: August 30, 1996, 20 Ill. Reg. 11894

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: Only minor technical changes were made which did not impact the intent of content of the rulemaking.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? Yes

- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Adopted Action</u>	<u>Illinois Register Citation</u>
553.130	Amended	20 Ill. Reg. 10305

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: DORS is modifying its eligibility determination process so that accurate, timely determinations can be made for individuals seeking services through the Vocational Rehabilitation Program. These changes were required so that DORS can make accurate determination within the 60 day period mandated by the Rehabilitation Act of 1973, as amended (29 U.S.C. 701-7961).

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Ms. Susan Warner, Manager  
 Address: Regulations and Procedures Division  
 Department of Rehabilitation Services  
 P.O. Box 19429  
 Springfield, Illinois 62794-9429  
 Telephone: (217)785-3896  
 TTY: (217)785-9301

The full text of the Adopted Amendment begins on the next page:

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

## SUBCHAPTER b: VOCATIONAL REHABILITATION

## PART 553

ASSESSMENT FOR DETERMINING ELIGIBILITY AND  
REHABILITATION NEEDS

- Section  
553.10 General Applicability  
553.20 Basis for the Determination of Eligibility  
553.30 Presumption of Benefit from Vocational Rehabilitation Services  
553.35 Services to Non-United States Citizens  
553.40 Eligibility Determination Time Frames  
553.50 Outcome of the Eligibility Determination  
553.60 Documentation of Eligibility Factors/Preliminary Assessment  
553.70 Certification of Eligibility  
553.80 Extended Evaluation  
553.90 Outcome of Extended Evaluation  
553.100 Comprehensive Assessment of Rehabilitation Needs  
553.105 Assistance in Attaining Necessary Financial Support  
553.110 Outcome of the Comprehensive Assessment of Rehabilitation Needs  
553.120 Change in Eligibility Status  
553.130 Order of Selection  
553.140 Criteria for Severe Disability and Most Severe Disability  
553.150 Determination of Serious Limitation to Functional Capacities

**AUTHORITY:** Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

**SOURCE:** Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 19 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. 10149, effective June 29, 1995; amended at 19 Ill. Reg. 15730, effective November 7, 1995; emergency amendment at 20 Ill. Reg. 10385, effective July 19, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 11974, effective August 16, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1386, effective JAN 17 1997.

## Section 553.10 General Applicability

The Rules contained in this Part are applicable to all customers ~~clients~~ of the Department of Rehabilitation Services' (DORS) Vocational Rehabilitation (VR) Program.

(Source: Amended at 21 Ill. Reg. 1386, effective

JAN 17 1997)

## DEPARTMENT OF REHABILITATION SERVICES

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## Section 553.20 Basis for the Determination of Eligibility

An individual shall be determined to be eligible to receive services through the VR Program if he/she:

- is an individual with a disability as defined in Section 7(8)(A) of the Rehabilitation Act of 1973 (29 USCA 701 et seq.), as amended; ~~and~~ (Act). Pursuant to the Act, to be an individual with a disability, an individual must have a physical or mental impairment which results in a substantial impediment to employment, and who can benefit from vocational rehabilitation services in terms of an employment outcome; ~~and~~
- requires VR services to prepare for, enter, engage in, or retain gainful employment; and,
- meets the priority for services established under DORS' Order of Selection in Section 553.130.

(Source: Amended at 21 Ill. Reg. 1386, effective JAN 17 1997)

## Section 553.40 Eligibility Determination Time Frames

After receiving a completed application for VR services, DORS shall make an eligibility determination and determine the individual's priority to receive services under the Order of Selection within a reasonable time period, not to exceed 60 calendar days from the date the individual applies for services unless:

- DORS notifies the individual that exceptional and unforeseen circumstances beyond DORS control preclude DORS from completing a timely determination and the individual agrees to an extension; or
- DORS determines, on the basis of the criteria set forth at 89 Ill. Adm. Code 553.30, that a period of extended evaluation is necessary to document whether or not the individual can be expected to benefit from VR services in terms of an employment outcome or to identify employability for the customer.

(Source: Amended at 21 Ill. Reg. 1386, effective JAN 17 1997)

## Section 553.50 Outcome of the Eligibility Determination

Prior to the end of the eligibility determination period (i.e., 60 days), one of the following must occur:

- the customer has been ~~client~~ is determined to be eligible to receive VR services and has a disability which will allow services to be provided under the Order of Selection. The customer will then undergo an Assessment of Rehabilitation Needs pursuant to Section 553.100 of this Part based on the criteria set forth in Section 553.20; ~~or~~ ~~A Certification of Eligibility (09--111--Adm--Code--553-60)--shall--be~~



## DEPARTMENT OF REHABILITATION SERVICES

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~~completed and the individual shall enter a Comprehensive Assessment of Rehabilitation Needs to the extent needed by the individual (89 Ill. Adm. Code 553.100);~~

b) ~~the customer is determined eligible but not to have a disability which allows services to be provided under the Order of Selection. The customer will be offered the option to have his/her name placed on a waiting list to wait until services can be provided to the priority category established under the Order of Selection or to have his/her case closed;~~

cb) ~~an extended evaluation is determined necessary. A Certification of Extended Evaluation shall be completed and such an evaluation shall begin;~~

dc) ~~the customer client, because of lack of a disability which--for--that individual--constitutes--or--results--in--a--substantial--impediment--to employment, is determined to be ineligible to receive services. A Certification of Ineligibility shall be completed and the individual's case closed;~~

ed) ~~the customer's client's case is closed for reasons other than ineligibility (e.g., the customer client has refused services or further services from DORS, the customer client cannot be located); or the customer's client's case is closed as he/she is determined ineligible to receive services due to the fact he/she does not meet the required criteria (see 89 Ill. Adm. Code 553.20).~~

(Source: Amended at 21 Ill. Reg. 1386, effective JAN 17 1997)

## Section 553.70 Certification of Eligibility

At any time during the eligibility determination process, but no later than 60 days from the date of an individual's application for services except as provided in Section 553.40 of this Part, a Certification of Eligibility, per 89 Ill. Adm. Code 553.40, shall be completed unless extenuating circumstances exist and is agreed upon by the individual or a period of extended evaluation

~~Extended-Evaluation~~ (89 Ill. Adm. Code 553.80) is determined to be necessary. The Certification of Eligibility shall document the basis on which the customer client was determined to be eligible, including identification of the individual's disability, description of the individual's need for ~~describe specifically--why--the--individual--is--in--need--of~~ VR services to reach an employment outcome, indication of the priority category to which the individual has been assigned under the Order of Selection and ~~an outline of the services that are expected to be necessary to determine the individual's service needs during the Comprehensive Assessment of Rehabilitation Needs~~ (89 Ill. Adm. Code 553.100).

(Source: Amended at 21 Ill. Reg. 1386, effective JAN 17 1997)

## DEPARTMENT OF REHABILITATION SERVICES

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## Section 553.80 Extended Evaluation

a) If, prior to the expiration of the 60 calendar day eligibility determination period, it is determined that sufficient evidence exists to justify the need for extended evaluation, a Certification of Extended Evaluation shall be completed and such an evaluation shall commence. The Certification of Extended Evaluation shall identify why a determination of eligibility could not be completed during the 60 calendar day eligibility determination period and specifically outline the services that are to be provided during extended evaluation to determine the individual's eligibility or ineligibility.

b) The ~~sole~~ purpose of the extended evaluation shall be to determine whether or not the individual can benefit from services in terms of a successful employment outcome and/or to identify employability. DORS may not deny the individual access to VR services, unless DORS can prove through clear and convincing evidence that the individual is incapable of benefiting from VR services in terms of a successful employment outcome.

c) The period of extended evaluation shall not exceed 18 months calculated from the date of the Certification of Extended Evaluation and shall be reviewed every 90 days.

(Source: Amended at 21 Ill. Reg. 1386, effective JAN 17 1997)

## Section 553.90 Outcome of Extended Evaluation

a) If, after a period of extended evaluation ~~Extended-Evaluation~~, the customer client is determined eligible, a Certification of Eligibility shall be prepared and the customer client shall begin ~~an a Comprehensive Assessment of Rehabilitation Needs~~ (see 89 Ill. Adm. Code 553.100).

b) If DORS, after a period of extended evaluation, is unable to demonstrate through clear and convincing evidence that the individual cannot benefit from VR services in terms of an employment outcome, he/she shall be presumed to be able to benefit from services (89 Ill. Adm. Code 553.30) and shall be certified as eligible to receive VR services.

c) When clear and convincing evidence is in the case file documenting the individual is not capable of benefiting ~~benefitting~~ from VR services, a Certification of Ineligibility shall be completed, which includes a summary and rationale for the determination based on the information gathered during the period of extended evaluation.

(Source: Amended at 21 Ill. Reg. 1386, effective JAN 17 1997)

## Section 553.100 Comprehensive Assessment of Rehabilitation Needs

## DEPARTMENT OF REHABILITATION SERVICES

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- a) If a customer client is determined eligible to receive VR services (89 Ill. Adm. Code 553.50(a)), the he/she-must-undergo-a-Comprehensive Assessment of Rehabilitation Needs (Comprehensive Assessment) shall be completed.
- b) A major component of the Comprehensive Assessment shall be the determination of the employment goal. The goal shall involve the customer client and take his/her interests into consideration, as well as career counseling provided to and with the customer client by the counselor regarding labor market trends and training requirements. The employment goal chosen by the customer client should be supported by the counselor unless the Comprehensive Assessment clearly contradicts the customer's client's choice.
- c) The Comprehensive Assessment will include a review of existing and additional information as to the individual's career plan, unique strengths, resources, priorities, interests, and needs to determine the nature and scope of services necessary to ensure the individual a successful employment outcome in the area of his/her chosen goal.
- d) The scope of the Comprehensive Assessment shall be limited to that which is necessary to identify the rehabilitation needs of the individual and to develop the Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572) for the individual. To the maximum extent possible the information used shall be existing information and information available from the individual and, where appropriate, from the individual's family.

(Source: Amended at 21 Ill. Reg. 1386, effective JAN 17 1997)

## Section 553.105 Assistance in Attaining Necessary Financial Support

At the conclusion of the Comprehensive Assessment of--Rehabilitation--Needs, after the determination of a suitable vocational goal, if the customer client cannot be expected to be able to attain a successful employment outcome due to lack of financial resources and there are benefits for which the customer client can be expected to be eligible, the rehabilitation counselor/instructor must assist the customer client in making application for such benefits.

(Source: Amended at 21 Ill. Reg. 1386, effective JAN 17 1997)

Section 553.110 Outcome of the Comprehensive Assessment of Rehabilitation Needs

- a) When it is determined by the counselor that enough information has been gathered during the Comprehensive Assessment to adequately determine and plan the VR services necessary to ensure the individual a successful employment outcome in the area of his/her chosen employment goal, an a--Comprehensive Assessment Summary shall be

## DEPARTMENT OF REHABILITATION SERVICES

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completed by the counselor as part of the chronological record. The Comprehensive Assessment Summary shall identify, in detail, the specific impairments the individual has in obtaining his/her vocational goal, documentation of career counseling, consideration of the individual's unique strengths, resources, priorities, and interests needed to identify the nature and scope of services and the specific services that are expected to be necessary to assist the customer client in achieving his/her employment outcome.

- b) The Comprehensive Assessment Summary must also include a statement addressing the severity of the individual's disability(ies) and addressing the individual's eligibility based on the Order of Selection (pursuant to Section 553.140).

(Source: Amended at 21 Ill. Reg. 1386, effective JAN 17 1997)

## Section 553.120 Change in Eligibility Status

If, at any time during the eligibility process or Comprehensive Assessment, the customer's client's condition changes to the extent he/she is no longer considered to have a disability, all case activity services shall cease, a Certificate of Ineligibility shall be completed and the customer's client's VR case closed. Customer's client's have the right to request a review of this determination under the procedures of 89 Ill. Adm. Code 510-Appeals and Hearings.

(Source: Amended at 21 Ill. Reg. 1386, effective JAN 17 1997)

## Section 553.140 Criteria for Severe Disability and Most Severe Disability

- a) Criteria for determining that the individual has a severe disability or a most severe disability must be in the individual's VR case file, stated and justified in the Assessment Summary (89 Ill. Adm. Code 553.70 and 89 Ill. Adm. Code 553.110) based on the following information.
- b) To be considered an individual with a most severe disability in determining priority for services under the Order of Selection (Section 553.130) in this Part, the individual must meet all of the criteria listed in subsection (c), below, with the exception that the customer's disability must seriously limit three or more of the functional capacities, as listed in Section 553.150 of this Part.
- c) To be considered an individual with a severe disability to determine priority of services under the Order of Selection (Section 553.130), he/she must have a disability which is determined by the rehabilitation counselor/instructor to meet all four of the following criteria:

- 1) The severe disability seriously limits at least two one--or--more



## DEPARTMENT OF REHABILITATION SERVICES

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of the individual's functional capacities, as listed in Section 553.150 of this Part.

- 2) The individual has a disability or combination of disabilities determined by an evaluation of rehabilitation potential to cause a substantial physical or mental impairment similar but not limited to the following list of disabilities:

A) amputation,  
 B) arthritis,  
 C) autism,  
 D) blindness,  
 E) burn injury,  
 F) cancer,  
 G) cerebral palsy,  
 H) cystic fibrosis,  
 I) deafness,  
 J) head injury,  
 K) heart disease,  
 L) hemiplegia,  
 M) hemophilia,  
 N) respiratory or pulmonary dysfunction,  
 O) mental retardation,  
 P) mental illness,  
 Q) multiple sclerosis,  
 R) muscular dystrophy,  
 S) musculo-skeletal disorders,  
 T) neurological disorders (including stroke and epilepsy,  
 U) paraplegia,  
 V) quadriplegia (and other spinal cord conditions),  
 W) sickle cell anemia,  
 X) specific learning disabilities, or  
 Y) end stage renal failure disease.

- 3) Three or more VR services, which may include counseling and guidance services provided by the rehabilitation counselor/instructor, will be required to ensure the individual a successful employment outcome.

- 4) VR services will be required over an extended period of time. An extended period of time for the purposes of the VR program is defined as 6 months or more.

(Source: Amended at 21 Ill. Reg. 1386, effective 1/1/97)

## DEPARTMENT OF REHABILITATIONS SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Services  
 2) Code Citation: 89 Ill. Adm. Code 590  
 3) Section Numbers: Adopted Action:  
 590.190 Amendments  
 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].  
 5) Effective Date of Rule(s) (Amendments, Repealer): January 17, 1997  
 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule (amendment, repealer) contain incorporations by reference?  
 No

- 8) Date Filed in Agency's Principal Office: January 17, 1997

- 9) Notice of Proposal Published in Illinois Register: September 13, 1996,  
 20 Ill. Reg. 12335

- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No

- 11) Difference(s) between proposal and final version: Changes were made to Section 590.190(e) to further clarify what medical procedures, therapeutic devices, and drugs DORS will not provide. Also, a statement was added at the end of Section 590.190(f) to reference Section 553.150 which describes the functional capacities.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rule replace an Emergency Rule(s) currently in effect? No

- 14) Are there any amendments pending on this Part: Yes

Section Numbers	Proposed Action	Illinois Register Citation
590.470	Amendments	Not yet published

- 15) Summary and Purpose of Rule(s): The amendments clarify what medical procedures, therapeutic devices and drugs will not be provided in the course of providing services to customers of the Vocational Rehabilitation Program.

- 16) Information and answers to questions regarding this adopted rule shall be

## DEPARTMENT OF REHABILITATIONS SERVICES

## NOTICE OF ADOPTED AMENDMENTS

directed to:

Ms. Susan Warner, Manager  
 Regulations and Procedures Division  
 Department of Rehabilitation Services  
 P.O. Box 19429  
 Springfield, IL 62794-9429  
 (217) 785-3896  
 TTY: (217) 785-9301

The full text of Adopted Rule(s) begins on the next page:

## DEPARTMENT OF REHABILITATIONS SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

## SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590  
SERVICES

## SUBPART A: APPLICABILITY

## Section

590.10 General Applicability  
 590.20 Availability of Services  
 590.30 Effect of Financial Status on Services  
 590.35 Effect of Comparable Benefits  
 590.40 Choice of Service Providers

## SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

## Section

590.50 Provision of Services  
 590.60 Qualification of Medical and Psychological Service Providers  
 590.70 Treatment of Acute Conditions  
 590.80 Medication and Treatment  
 590.90 Hearing Aids  
 590.100 Binaural Hearing Aids  
 590.110 Speech and Language Services  
 590.120 Low Vision Aids  
 590.130 Mental Restoration Services  
 590.140 Heart Surgeries  
 590.150 Kidney Transplant and Related Services  
 590.160 Chiropractic Services  
 590.170 Prosthetic and Orthotic Device  
 590.180 Wheelchairs  
 590.190 Prohibited Services

## SUBPART C: TRAINING AND RELATED SERVICES

## Section

590.200 Provision of Services  
 590.210 Qualification of Training Facilities/Institutions  
 590.220 Purpose and Types of Training  
 590.230 Financial Guidelines for Training Services  
 590.240 Graduate School Training  
 590.250 Choice of Training Facility/Institution  
 590.260 Summer School  
 590.270 Grades  
 590.280 Health Status  
 590.290 On-the-Job Training



## DEPARTMENT OF REHABILITATIONS SERVICES

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590.300 Default on Educational Loans

## SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

## Section

590.310 Provision of Services  
 590.320 Self-Employment Program  
 590.330 Services/Goods not Available  
 590.340 Bidding Requirements  
 590.350 Recovery of Tools, Equipment, Supplies and Initial Stock  
 590.360 Transfer of Title  
 590.370 Limitation of Financial Participation (Repealed)

## SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

## Section

590.375 Provision of Services  
 590.380 Vendor Requirements  
 590.390 Bidding Requirements  
 590.400 Vehicle Adaptation  
 590.410 DORS Financial Participation in Van Adaptation  
 590.420 Environmental Modification  
 590.430 Written Agreements for Environmental Modification  
 590.440 Compliance with Capital Development Board Specifications

## SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

## Section

590.450 Provision of Services  
 590.460 Types of Services  
 590.470 Services/Equipment  
 590.480 Qualifications for Services Provided by Individuals  
 590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

## SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

## Section

590.500 Provision of Services (Repealed)  
 590.510 Definitions (Repealed)  
 590.520 Purpose of Equipment Loans (Repealed)  
 590.530 Criteria for Loan of Equipment/Aids (Repealed)  
 590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)  
 590.550 Duration of Loans (Repealed)  
 590.560 Maintenance and Return of Equipment/Aids (Repealed)  
 590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)  
 590.580 Limitations on Available Equipment/Aids (Repealed)

## DEPARTMENT OF REHABILITATIONS SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART H: OTHER SERVICES

## Section

590.590 Provision of Services  
 590.600 Transportation and Temporary Lodging  
 590.610 Other Goods and Services  
 590.620 Equipment Sets

## SUBPART I: PLACEMENT

## Section

590.630 Provision of Placement Services  
 590.640 Description of Services

## SUBPART J: MAINTENANCE

## Section

590.650 Provision of Services  
 590.660 Definitions  
 590.670 Determination of the Need for Maintenance  
 590.675 Determination of Client Financial Participation in Maintenance  
 590.680 Exceptions to Basic Needs Level

## SUBPART K: POST-EMPLOYMENT SERVICES

## Section

590.700 Provision of Services  
 590.710 Definitions  
 590.720 Scope of Services

## SUBPART L: TRANSITION

## Section

590.730 Provision of Services  
 590.740 Definitions  
 590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 20 Ill. Reg. 6319, effective April 18, 1996; amended at 20 Ill. Reg. 6523, effective April 18, 1996; amended at 20 Ill. Reg. 10375,

## DEPARTMENT OF REHABILITATIONS SERVICES

## NOTICE OF ADOPTED AMENDMENTS

effg JAN 19 1996; amended at 21 Ill. Reg. 1395, effective

## SUPPORT B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

## Section 590.190 Prohibited Services

Under no circumstances shall DORS provide to a customer:

- a) intestinal by-pass or stapling surgeries for the treatment of extreme obesity;
- b) abortions, or any associated services;
- c) transexual services, or any associated services;
- d) organ transplants, or any related services, with the exception of Kidney Transplants and Related Services (89 Ill. Adm. Code 590.150); and
- e) any drug, therapeutic device, procedure, or surgery which cannot be legally prescribed by a licensed medical professional or which is outside accepted medical practice; and any drug that has not been approved by the Food and Drug Administration (FDA) of the United States Department of Health and Human Services; any therapeutic device that has been banned under 21 USC 360f; or any procedure or surgery that cannot be prescribed or performed by a licensed medical professional; and ~~has not been approved by the Food and Drug Administration of the United States Department of Health and Human Services.~~

- f) surgical or other services solely for cosmetic purposes. A surgery or service is not "solely for cosmetic purposes" when it would correct or substantially modify a physical condition which constitutes an impediment to employment. Section 553.150 sets out the functional capacities that, if seriously limited, could constitute an impediment to employment.

(Source: Amended at 21 Ill. Reg. 1395, effective JAN 19 1996)

## ILLINOIS COMMERCE COMMISSION

NOTICE OF REFUSAL TO MEET THE OBJ  
OF THE JOINT COMMITTEE ON ADMIN

- 1) Heading of the Part: Approval of Negotiated Agreements

- 2) Code Citation: 83 Ill. Adm. Code 763

- | Section Numbers: | Action: | Section Number: | Action: |
|------------------|---------|-----------------|---------|
| 763.10           | Refusal | 763.330         | Refusal |
| 762.20           | Refusal | 763.340         | Refusal |
| 763.30           | Refusal | 763.350         | Refusal |
| 763.40           | Refusal | 763.360         | Refusal |
| 763.100          | Refusal | 763.370         | Refusal |
| 763.110          | Refusal | 763.380         | Refusal |
| 763.120          | Refusal | 763.400         | Refusal |
| 763.130          | Refusal | 763.410         | Refusal |
| 763.140          | Refusal | 763.420         | Refusal |
| 763.150          | Refusal | 763.430         | Refusal |
| 763.200          | Refusal | 763.440         | Refusal |
| 763.210          | Refusal | 763.450         | Refusal |
| 763.230          | Refusal | 763.460         | Refusal |
| 763.300          | Refusal | 763.470         | Refusal |
| 763.320          | Refusal |                 |         |

- 4) Date Notice of Proposed Rules Published in the Register: June 28, 1996 at 20 Ill. Reg. 8393

- 5) Date JCAR Statement of Objection Published in the Register: November 1, 1996 at 20 Ill. Reg. 14284

- 6) Summary of Action Taken by the Agency: With the filing prohibition of the proposed rules, which the Joint Committee issued on October 15, 1996, the Commission automatically reverted to its regular Rules of Practice (83 Ill. Adm. Code 200) to procedurally implement the Telecommunications Act of 1996. The Commission has contacted the parties that have requested arbitration, requesting them to identify potential modifications to the proposed rules to which all parties can agree. Upon such agreement, the parties are to notify the Commission. In the interim, the Commission will continue to review negotiated agreements and conduct arbitration on unagreed issues as required under the Telecommunications Act of 1996 under the Commission's Rules of Practice. Based upon the foregoing, the Commission is not withdrawing or modifying its proposed rules at this time.

## ILLINOIS COMMERCE COMMISSION

NOTICE OF REFUSAL TO MEET THE OBJECTION  
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Approval of Statements for Generally Available Terms

- 2) Code Citation: 83 Ill. Adm. Code 764

<u>Section Numbers:</u>	<u>Action:</u>
764.10	Refusal
764.20	Refusal
764.30	Refusal
764.40	Refusal
764.100	Refusal
764.110	Refusal
764.120	Refusal
764.130	Refusal
764.140	Refusal
764.150	Refusal
764.200	Refusal
764.210	Refusal
764.230	Refusal
764.300	Refusal
764.320	Refusal
764.330	Refusal
764.340	Refusal
764.350	Refusal
764.360	Refusal
764.370	Refusal
764.380	Refusal
764.400	Refusal
764.410	Refusal
764.420	Refusal
764.430	Refusal
764.440	Refusal
764.450	Refusal
764.460	Refusal
764.470	Refusal

- 4) Date Notice of Proposed Rules Published in the Register: June 28, 1996 at 20 Ill. Reg. 8395

- 5) Date JCAR Statement of Objection Published in the Register: November 1, 1996 at 20 Ill. Reg. 14286

- 6) Summary of Action Taken by the Agency: With the filing prohibition of the proposed rules, which the Joint Committee issued on October 15, 1996, the Commission automatically reverted to its regular Rules of Practice (83 Ill. Adm. Code 200) to procedurally implement the Telecommunications Act of 1996. The Commission has contacted the parties that have requested arbitration, requesting them to identify potential modifications to the

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NOTICE OF REFUSAL TO MEET THE OBJECTION  
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proposed rules to which all parties can agree. Upon such agreement, the parties are to notify the Commission. In the interim, the Commission will continue to review negotiated agreements and conduct arbitration on unagreed issues as required under the Telecommunications Act of 1996 under the Commission's Rules of Practice. Based upon the foregoing, the Commission is not withdrawing or modifying its proposed rules at this time.



## ILLINOIS COMMERCE COMMISSION

NOTICE OF REFUSAL TO MEET THE OBJECTION  
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES1) Heading of the Part: Approval or Rejection of Arbitrated Agreements2) Code Citation: 83 Ill. Adm. Code 762

Section Numbers:	Action:
762.10	Refusal
762.20	Refusal
762.30	Refusal
762.40	Refusal
762.100	Refusal
762.110	Refusal
762.120	Refusal
762.130	Refusal
762.200	Refusal
762.210	Refusal
762.220	Refusal
762.300	Refusal
762.310	Refusal
762.320	Refusal
762.410	Refusal
762.420	Refusal
762.430	Refusal
762.440	Refusal

4) Date Notice of Proposed Rules Published in the Register: June 28, 1996 at 20 Ill. Reg. 84165) Date JCAR Statement of Objection Published in the Register: November 1, 1996 at 20 Ill. Reg. 14287

6) Summary of Action Taken by the Agency: With the filing prohibition of the proposed rules, which the Joint Committee issued on October 15, 1996, the Commission automatically reverted to its regular Rules of Practice (83 Ill. Adm. Code 200) to procedurally implement the Telecommunications Act of 1996. The Commission has contacted the parties that have requested arbitration, requesting them to identify potential modifications to the proposed rules to which all parties can agree. Upon such agreement, the parties are to notify the Commission. In the interim, the Commission will continue to review negotiated agreements and conduct arbitration on unagreed issues as required under the Telecommunications Act of 1996 under the Commission's Rules of Practice. Based upon the foregoing, the Commission is not withdrawing or modifying its proposed rules at this time.

## ILLINOIS COMMERCE COMMISSION

NOTICE OF REFUSAL TO MEET THE OBJECTION  
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES1) Heading of the Part: Arbitration Practice2) Code Citation: 83 Ill. Adm. Code 761

Section Numbers:	Action:	Section Numbers:	Action:
761.10	Refusal	761.330	Refusal
762.20	Refusal	761.340	Refusal
761.30	Refusal	761.350	Refusal
761.40	Refusal	761.360	Refusal
761.100	Refusal	761.370	Refusal
761.110	Refusal	761.380	Refusal
761.130	Refusal	761.400	Refusal
761.140	Refusal	761.310	Refusal
761.150	Refusal	761.420	Refusal
761.200	Refusal	761.430	Refusal
761.210	Refusal	761.440	Refusal
761.220	Refusal	761.450	Refusal
761.230	Refusal	761.460	Refusal
761.240	Refusal	761.470	Refusal
761.300	Refusal	761.460	Refusal
761.310	Refusal	761.470	Refusal

4) Date Notice of Proposed Rules Published in the Register: June 28, 1996 at 20 Ill. Reg. 84165) Date JCAR Statement of Objection Published in the Register: November 1, 1996 at 20 Ill. Reg. 14288

6) Summary of Action Taken by the Agency: With the filing prohibition of the proposed rules, which the Joint Committee issued on October 15, 1996, the Commission automatically reverted to its regular Rules of Practice (83 Ill. Adm. Code 200) to procedurally implement the Telecommunications Act of 1996. The Commission has contacted the parties that have requested arbitration, requesting them to identify potential modifications to the proposed rules to which all parties can agree. Upon such agreement, the parties are to notify the Commission. In the interim, the Commission will continue to review negotiated agreements and conduct arbitration on unagreed issues as required under the Telecommunications Act of 1996 under the Commission's Rules of Practice. Based upon the foregoing, the Commission is not withdrawing or modifying its proposed rules at this time.

## ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## JANUARY 1997 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Labor and Employment, 56 Ill. Adm. Code 2600, 2610, 2625 and 2630

1) Rulemaking:

A) Description: The United States Congress, in September 1996, added provisions to the U.S. Department of Labor's (USDOL) appropriations bill allowing the waiver of provisions of both the Job Training Partnership Act (JTPA) and related federal rules. The USDOL is currently formulating procedures to be used to request these waivers. The Department of Commerce and Community Affairs is working with our JTPA grantees to determine what will be included in our waiver request. The general purpose of the request will be to enable us to better implement the Illinois Employment Training Center (formerly One-Stop Career Center) network and also to facilitate efforts to assist welfare-to-work programs.

One of the provisions in the USDOL appropriations bill is that any such request "describes the actions that the State or local service delivery areas have taken to remove State or local statutory or regulatory barriers". It is anticipated that certain portions of the cited rules, and possibly other related rules, will be modified or deleted. It is further anticipated that these requests will be submitted prior to July 1, 1997.

B) Statutory Authority: Implemented and authorized by 20 ILCS 605/46.41 and 46.49.

C) Scheduled meeting/hearing dates: None at this time.

D) Date agency anticipates First Notice: June 15, 1997.

E) Affect on small businesses, small municipalities or not for profit corporations: These entities will be able to better implement the Illinois Employment Training Center network and also to facilitate efforts to assist welfare-to-work programs.

F) Agency contact person for information:

Frank Daigh  
Job Training Division  
IL Department of Commerce & Community Affairs  
620 East Adams Street  
Springfield, IL 62701  
217-524-8333

G) Related rulemakings and other pertinent information: None

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## JANUARY 1997 REGULATORY AGENDA

- b) Part(s) (Heading and Code Citation): Local Tourism and Convention Bureau Program, 14 Ill. Adm. Code 550

1) Rulemaking:

A) Description: The Local Tourism and Convention Bureau Program (LTCB) rules are being revised to reflect LTCB productivity and cost effectiveness, and changes in certification and recertification guidelines.

B) Statutory Authority: Implemented and authorized by 20 ILCS 605/46.6a.

C) Scheduled meeting/hearing dates: None at this time.

D) Date agency anticipates First Notice: May 1997.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may have some effect on small municipalities where the Convention and Visitors Bureau is a division of same.

F) Agency contact person for information:

Sue Fierce  
IL Bureau of Tourism  
IL Department of Commerce and Community Affairs  
620 East Adams Street  
Springfield, Illinois 62701  
217/785-6355

G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Illinois Promotion Act Programs, 14 Ill. Adm. Code 510

1) Rulemaking:

A) Description: Sections 510.20, 510.70 and 510.85 of the Tourism Matching Grant Program rules are being amended to more accurately reflect the program intent to increase hotel/motel and bed & breakfast occupancy. Section 510.20 is being amended to update the definitions of the Regional Tourism Councils, Local Share, Grant Amount, Eligible Promotional Projects and Total Project Cost in order to eliminate growth barriers and improve effectiveness of the program. Section 510.70(b) Department Review Procedures is being amended in order to revise the funding criteria. Section

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510.85 Administrative Requirements is being amended to coincide with the lapse period deadline issued by the State Comptroller.

- B) Statutory Authority: Implemented and authorized by 20 ILCS 665.
- C) Scheduled meeting/hearing dates: None at this time.
- D) Date agency anticipates First Notice: May, 1997.
- E) Affect on small businesses, small municipalities or not for profit corporations: A change in Grant Amount and Local Share Amount will have an effect on these entities.
- F) Agency contact person for information:
- Marilyn Hurst  
IL Bureau of Tourism  
IL Department of Commerce & Community Affairs  
620 East Adams Street  
Springfield, Illinois 62701  
217/784-2998
- G) Related rulemakings and other pertinent information: None.
- d) Part(s) (Heading and Code Citation): Illinois Promotion Act Programs, 14 Ill. Adm. Code 510.

1) Rulemaking:

- A) Description: Sections 510.120 and 510.130 of the Tourism Attraction Loan and Grant Program rules are being amended to more accurately reflect the program intent to increase hotel/motel and bed and breakfast occupancy.

Section 510.120 is being amended to update the definitions of Tourist Attractions in order to improve the effectiveness of the program. Section 510.130 Eligible Uses of Loan and Grant Funds is being amended to expand the types of projects eligible to receive funding.

- B) Statutory Authority: Implemented and authorized by 20 ILCS 665.
- C) Scheduled meeting/hearing dates: None at this time.
- D) Date agency anticipates First Notice: May, 1997.

- E) Affect on small businesses, small municipalities or not for profit corporations: May have a positive effect on small businesses and

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## JANUARY 1997 REGULATORY AGENDA

municipalities through expansion of the types of projects eligible to receive funding.

- F) Agency contact person for information:

Marilyn Hurst  
IL Bureau of Tourism  
IL Department of Commerce & Community Affairs  
620 East Adams Street  
Springfield, IL 62701  
217/784-2998

- G) Related rulemakings and other pertinent information: None.

- e) Part(s) (Heading and Code Citation): Illinois Promotion Act Programs, 14 Ill. Adm. Code 510.

1) Rulemaking:

- A) Description: Sections 510.275 and 510.280 of the Tourism Private Sector Grant Program rules are being amended to more accurately reflect the program intent to increase the hotel/motel and bed & breakfast occupancy. Section 510.275 Evaluation Process is being revised to update external review committee composition and funding recommendation process. Section 510.280 is being changed to revise Selection for Funding criteria.

- B) Statutory Authority: Implementing and authorized by 20 ILCS 665.

- C) Scheduled meeting/hearing dates: None at this time.

- D) Date agency anticipates First Notice: June 15, 1997.

- E) Affect on small businesses, small municipalities or not for profit corporations: Unknown at this time.

- F) Agency contact person for information:

Sue Fierce  
IL Bureau of Tourism  
IL Department of Commerce & Community Affairs  
620 East Adams Street  
Springfield, IL 62701  
217/785-6355

- G) Related rulemakings and other pertinent information: None



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- f) Part(s) (Heading and Code Citation): State Administration of the Federal Community Development Block Grant Program for Small Cities, 47 Ill. Adm. Code 110

1) Rulemaking:

- A) Description: This rulemaking will revise the program rules for the Community Development Assistance Program.
- B) Statutory Authority: Implementing Section 46.37 and authorized by section 46.42 of the Civil Administrative Code of Illinois (20 ILCS 605/46.37 and 46.42.)
- C) Scheduled meeting/hearing dates: None at this time.
- D) Date agency anticipates First Notice: June 1, 1997.
- E) Affect on small businesses, small municipalities or not for profit corporations: Small businesses and small municipalities are encouraged to apply for Community Development Assistance Program funds. These amendments will not materially affect their ability to access funds.

F) Agency contact person for information:

Mark C. Gauss, Manager  
Division of Community Assistance  
IL Department of Commerce and Community Affairs  
620 East Adams Street  
Springfield, IL 62701  
217/785-6193

G) Related rulemakings and other pertinent information: None

## COMPTROLLER MERIT COMMISSION

## JANUARY 1997 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Merit Commission Rules (80 Ill. Adm. Code 100)

1) Rulemaking:

- A) Description: The rules provide the Merit Commission with the power to review and investigate personnel policies and administrative practices to ensure that they are in compliance with the Merit Employment Code. Upon written recommendations by the Director of Personnel, the rules provide the Commission authority to exempt positions from Jurisdiction B of the Merit Employment Code. The Merit Commission rules also provide protection from unjust discharge, suspension, demotion or geographic transfers of employees of the Office of the Comptroller and outlines procedures to hear allocation appeals and approve or disapprove written charges of employees of the Office of the Comptroller.
- B) Statutory Authority: Implementing and authorized by the Comptroller Merit Employment Code [15 ILCS 410].
- C) Scheduled meeting/hearing dates: January 16, 1997, February 20, 1997, March 20, 1997, April 17, 1997, May 15, 1997, June 19, 1997.
- D) Date agency anticipates First Notice: The Merit Commission does not anticipate any rule changes.
- E) Effect on small business, small municipalities or not for profit corporations: N/A
- F) Agency contact person for information:  
  
Bruce Stratton, Chairman  
Comptroller Merit Commission  
325 West Adams Street  
Springfield, IL 62704-1858  
(217)785-1127
- G) Related rulemakings and other pertinent information: N/A

## ENVIRONMENTAL PROTECTION AGENCY

## JANUARY 1997 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Illinois Environmental Protection Agency (Illinois EPA) rules on Accreditation and Operation of Environmental Laboratories, 35 Ill. Adm. Code 186.

1) Rulemaking:

A) Description: These new rules on environmental laboratory certification will establish a comprehensive accreditation program for environmental laboratory accreditation. It will expand the accreditation available from drinking water, to include waste water and hazardous waste analyses. The accreditation program will follow guidelines in the National Environmental Laboratory Certification Program and enable the State of Illinois to participate in a national accreditation program as soon as the national program is finalized. These rules will repeal the Illinois EPA's portion of the Joint Rules of the Illinois EPA, Illinois Department of Public Health, and the Illinois Department of Nuclear Safety. Certification and Operation of Environmental Laboratories, 35 Ill. Adm. Code 183.

B) Statutory Authority: Implementing and authorized by Sections 4 (o) and 4 (p) of the Illinois Environmental Protection Act (415 ILCS 5/ 4(o), 5/4(p)).

C) Scheduled meeting/hearing dates: The Illinois EPA has held several meetings with the Ad Hoc Advisory Committee on Laboratory Certification. The Ad Hoc committee is composed of commercial and governmental laboratories, data users and the Illinois EPA.

D) Date agency anticipates First Notice: February 25, 1997

E) Affect on small businesses, small municipalities or not for profit corporations: Existing small laboratories may have to upgrade their operating procedures and reporting requirements.

F) Agency contact person for information:

Ron Turpin, Manager  
Laboratory Accreditation Section  
Division of Laboratories  
IL Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-6544

G) Related rulemaking and other pertinent information: A rulemaking will be initiated to amend 35 Ill. Adm. Code 611 to delete

## ENVIRONMENTAL PROTECTION AGENCY

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reference to 35 Ill. Adm. Code 183 and replace those references with 35 Ill. Adm. Code 183. A repeal of 35 Ill. Adm. Code 183 as it relates to Illinois EPA regulations only will be filed for first notice with this rulemaking.

- b) Part(s) (Heading and Code Citation): Illinois Pollution Control Board, Public Water Supplies regulations on Primary Drinking Water Standards, 35 Ill. Adm. Code 611.

1) Rulemaking:

A) Description: The amendments to the regulations will delete reference to laboratory certification pursuant to 35 Ill. Adm. Code 183 and replace the reference with the new laboratory accreditation rules at 35 Ill. Adm. Code 186.

B) Statutory Authority: Implementing and authorized by Sections 17 and 17.5 of the Illinois Environmental Protection Act (Act) [(415 ILCS 5/17, 5/17.5) and authorized by Section 27 of the Act [(415 ILCS 5/27)].

C) Scheduled meeting/hearing dates: The Illinois EPA has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: March 15, 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Charles Bell, Manager  
Field Operations Section  
Division of Public Water Supplies  
Bureau of Water  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-8653

G) Related rulemaking and other pertinent information: New Illinois EPA rules on laboratory accreditation will be filed for first notice in February 1997 (35 Ill. Adm. Code 186) and will replace existing rules on laboratory accreditation (35 Ill. Adm. Code 183).

ENVIRONMENTAL PROTECTION AGENCY  
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c) Part(s) (Heading and Code Citation): Public Water Supplies Pollution Control Board Rules, Regulated Recharge Areas, 35 Ill. Adm. Code 617.

1) Rulemaking:

A) Description: The amendments to these rules establish a regulated recharge area for the Pleasant Valley Public Water District. This subpart will prescribe the requirements and standards for the protection of the Pleasant Valley Public Water District for certain types of existing or new potential sources or routes of groundwater contamination located wholly or partially within the regulated recharge area boundary delineated in the amendments.

B) Statutory Authority: Implementing and authorized by Sections 17.4 and Section 27 of the Illinois Environmental Protection Act (415 ILCS 5/17.4, 27).

C) Scheduled meeting/hearing dates: The Illinois Environmental Protection Agency (Illinois EPA) held a public hearing pursuant to 35 Ill. Adm. Code 164 on the proposal for a regulated recharge area on January 26, 1995. Public comments on the proposal were received. On June 7, 1996, a workshop was held on the proposal. The Illinois EPA has not set dates for further meetings.

D) Date agency anticipates First Notice: June 30, 1997

E) Affect on small businesses, small municipalities or not for profit corporations: Existing small business will be affected by contingency planning requirements and may have constraints upon expansion of activities that are hazardous to the groundwater protected by the regulated recharge area.

F) Agency contact person for information:

Rick Cobb  
Section Manager, Groundwater Section  
Division of Public Water Supplies  
Bureau of Water  
IL Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-8653

G) Related Rulemaking and other pertinent information: None

d) Part(s) (Heading and Code Citation): Illinois Environmental Protection

ENVIRONMENTAL PROTECTION AGENCY  
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Agency (Illinois EPA) Public Water Supplies, Technical Policy Statements, 35 Ill. Adm. Code 651 through 654.

1) Rulemaking:

A) Description: The amendments to these Illinois EPA rules will update definitions and explanations of administrative procedures and provide current information to owners, operators, and official custodians of public water supplies. More recent design and operational criteria will be incorporated to provide information necessary for the design, operation and maintenance of public water supplies and to facilitate the permitting process.

B) Statutory Authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act (415 ILCS 5/14 through 5/19).

C) Scheduled meeting/hearing dates: The Illinois EPA has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: July 30, 1997

E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will generally benefit small businesses, small municipalities and not for profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements.

F) Agency contact person for information:

Charles Bell, Manager  
Field Operations Section  
Division of Public Water Supplies  
Bureau of Water  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-8653

G) Related Rulemaking and other pertinent information: None

e) Part(s) (Heading and Code Citation): Procedure for Issuing Loans from the Water Revolving Fund, 35 Ill. Adm. Code 661

1) Rulemaking:



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A) Description: The new rules will establish the procedures for the administration of the Public Water Supply Loan Program by the Environmental Protection Agency (Illinois EPA) to units of local government. The proposed loan program would be financed by capitalization grant awards from the U.S. Environmental Protection Agency pursuant to the reauthorization of the federal Safe Drinking Water Act (SDWA) P.L. 93-532. Under this proposed loan program, the Illinois EPA would provide financial assistance for the construction and development of municipal public water supplies. The rules are intended to implement "An Act to amend the Environmental Protection Act by changing the heading of Title IV-A and Sections 19.1, 19.2, 19.3, 19.4, 19.5, 19.6, and 19.8" which is before the 90th General Assembly of the State of Illinois.

B) Statutory Authority: The proposed rules will be implementing Sections 19.1, 19.2, 19.3, 19.4, 19.5, 19.6, and 19.8 of the Environmental Protection Act (Act) to provide financial assistance for the construction and development of public water supplies. The 90th General Assembly will be considering amendments to the Public Water Supply Loan Program.

C) Scheduled meeting/hearing dates: The Agency has no plans for a hearing or meeting on these proposed rules.

D) Date agency anticipates First Notice: June 1, 1997

E) Affect on small businesses, small municipalities or not for profit corporations: The small municipal public water supply will be provided with the opportunity to obtain loans under the rules establishing the procedures for the Public Water Supply Loan Program.

F) Agency contact person for information:

Stephen C. Ewart  
Deputy Counsel  
Division of Legal Counsel  
IL Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544

G) Related Rulemaking and other pertinent information: None

f) Part(s) (Heading and Code Citation): Procedures and Requirements for

ENVIRONMENTAL PROTECTION AGENCY  
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Determining Loan Priorities for Public Water Supplies, 35 Ill. Adm. Code 662

1) Rulemaking:

A) Description: The new rules will set the procedures and requirements for determining the priorities in awarding financial assistance for the construction and development of municipal public water supplies under the proposed Public Water Supply Loan Program (35 Ill. Adm. Code 662). The rules are intended to implement "An Act to amend the Environmental Protection Act by changing the heading of Title IV-A and Sections 19.1, 19.2, 19.3, 19.4, 19.5, 19.6, and 19.8" which is before the 90th General Assembly of the State of Illinois.

B) Statutory Authority: The proposed rules will be implementing Sections 19.1, 19.2, 19.3, 19.4, 19.5, 19.6, and 19.8 of the Environmental Protection Act (Act) to provide financial assistance for the construction and development of public water supplies. The 90th General Assembly will be considering amendments to the Act authorizing the development of the Public Water Supply Loan Program.

C) Scheduled meeting/hearing dates: The Agency has no plans for a hearing or meeting on these proposed rules.

D) Date agency anticipates First Notice: June 1, 1997

E) Affect on small businesses, small municipalities or not for profit corporations: The small municipal public water supply will be provided with opportunity to obtain loans under the rules establishing the priorities and the procedures for the public Water Supply Loan Program.

F) Agency contact person for information:

Stephen C. Ewart  
Deputy Counsel  
Division of Legal Counsel  
IL Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-8653

G) Related Rulemaking and other pertinent information: None

ILLINOIS GAMING BOARD

JANUARY 1997 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Riverboat Gambling, 86 Ill. Adm. Code 3000

1) Rulemaking:

A) Description: Section 3000.235 of the existing Illinois Gaming Board rules governs the transfer of ownership interests in a riverboat gambling license. This rule will be amended in the first half of 1997 to strengthen and clarify the transfer of ownership provisions. In the same or a separate rulemaking, the Gaming Board will also propose a rule to further regulate junketeers and other similar and related marketing activities by riverboats.

B) Statutory Authority: Riverboat Gambling Act, 230 ILCS 10

C) Scheduled meeting/hearing dates: The proposed rules will be discussed with representatives of licensees and considered in a public meeting of the Gaming Board prior to initial publication. A specific schedule has not been established at this time.

D) Date agency anticipates First Notice: During the first six months of 1997.

E) Affect on small businesses, small municipalities, or not for profit corporations: None expected.

F) Agency contact person for information:

Mareile B. Cusack  
Chief Counsel  
Illinois Gaming Board  
160 N. LaSalle, Suite 300S  
Chicago, IL 60601  
(312) 814-4700; FAX (312) 814-4602

G) Related rulemakings and other pertinent information: Part 3000, the rules of the Illinois Gaming Board, was the subject of a rulemaking first noticed at 20 Ill. Reg. 10439; revisions to this rulemaking are being considered in light of the public comment.

DEPARTMENT OF NUCLEAR SAFETY

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- a) Part(s) (Heading and Code Citation): Administrative Hearings, 32 Ill. Adm. Code 200

1) Rulemaking: Proposed Repealer

A) Description: The Department is proposing to repeal this Part and replace it with a new Part 200. The Department is taking this action because it has determined that the requirements currently codified at 32 Ill. Adm. Code 200 are no longer consistent with the requirements imposed by the Radiation Protection Act of 1990 as amended.

B) Statutory Authority: Implementing Sections 8.2, 9 and 11 and authorized by Section 6 of the Radiation Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 218, 219, 221 and 216).

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the Illinois Register version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: February 1997

E) Affect on small businesses, small municipalities or not for profit corporations: This repealer does not affect small businesses, small municipalities or not for profit corporations. The new Part 200 will affect those entities that appear before the Department during the hearing process for violation of any Department rule.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: The Department is proposing a new Part 200 which will replace this repealer.

- b) Part(s) (Heading and Code Citation): Rules of Practice in Administrative Hearings, 32 Ill. Adm. Code 200

1) Rulemaking: Proposed Rule

A) Description: This Part will replace the current Part 200. The

## DEPARTMENT OF NUCLEAR SAFETY

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Department is taking this action because it has determined that the requirements currently codified at 32 Ill. Adm. Code 200 are no longer consistent with the requirements imposed by the Radiation Protection Act of 1990 as amended.

- B) Statutory Authority: Implementing and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i) and Section 18 of the Radiation Protection Act of 1990 [420 ILCS 40].

- C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

- D) Date agency anticipates First Notice: February 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this new rule will affect those small businesses that are licensed to possess radioactive materials, or that are registered with the Department because they possess radiation machines, or small municipalities or not for profit corporations and to individuals that are accredited to administer radiation to human beings that appear before the Department during the hearing process for violation of any Department rule.

- F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: The Department is proposing this new Part 200 which will replace Part 200 that is being repealed.

- c) Part(s) (Heading and Code Citation): General Provisions, 32 Ill. Adm. Code 310

1) Rulemaking: Proposed Amendment

- A) Description: The Department is amending the rule to implement the agreement between the Department and the Joint Committee on Administrative Rules. As stated in the Agreement, the Department

## DEPARTMENT OF NUCLEAR SAFETY

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agreed to consider the suggestion made by the Office of the Secretary of State to give a more descriptive name to this part. In addition the Department will include in the rulemaking the cross-reference changes to 32 Ill. Adm. Code 330.

- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

- C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

- D) Date agency anticipates First Notice: April 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: The Department does not believe that this amendment will have an effect on any small businesses, small municipalities or not for profit corporations.

- F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Financial Surety Requirements, 32 Ill. Adm. Code 326

1) Rulemaking: Proposed Rule

- A) Description: The Department is proposing this rulemaking to streamline the licensing requirements for radioactive materials that were contained in 32 Ill. Adm. Code 330. This new Part describes procedures and special requirements for establishment of financial surety to ensure licensees will have funds available to properly decontaminate facilities and dispose of radioactive material.

- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

- C) Scheduled meeting/hearing dates: None scheduled. It is the



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Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

- D) Date agency anticipates First Notice: April 1997
- E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rule will affect small businesses, small municipalities or not for profit corporations licensed by the Department. The financial surety requirements will ensure that licensees will have the necessary funds to properly dispose of licensed materials.
- F) Agency contact person for information:  
 Rose Miller  
 Department of Nuclear Safety  
 1035 Outer Park Drive  
 Springfield, IL 62704  
 (217) 785-9860 (voice); (217) 782-6133 (TDD)
- G) Related rulemakings and other pertinent information: In addition to this new rule, the Department is proposing to repeal current Part 330 and replace it with the following new Parts 327, 328, 329 and 330.

e) Part(s) (Heading and Code Citation): Manufacture and Distribution of Radioactive Material, 32 Ill. Adm. Code 327

1) Rulemaking: Proposed Rule

A) Description: The Department is proposing this rulemaking to streamline the licensing requirements for radioactive materials that were contained in 32 Ill. Adm. Code 330. This new Part describes procedures and special requirements for a specific licensee to manufacture, assemble, repair, import or distribute commodities, products, sealed sources or devices that are designed to contain radioactive material. The Part also describes the procedures and requirements for the issuance of safety evaluation sheets to licensees who manufacture or initially transfer sealed sources or devices containing sealed sources.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register*

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version of the rulemaking to all affected entities during the First Notice period.

- D) Date agency anticipates First Notice: April 1997
- E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rule may affect small businesses or not for profit corporations if they choose to manufacture sealed sources or devices. The Department does not believe these rules will have any direct impact on small municipalities as defined in Section 100/1-80 of the IAPA.
- F) Agency contact person for information:  
 Rose Miller  
 Department of Nuclear Safety  
 1035 Outer Park Drive  
 Springfield, IL 62704  
 (217) 785-9860 (voice); (217) 782-6133 (TDD)
- G) Related rulemakings and other pertinent information: In addition to this new rule, the Department is proposing to repeal current Part 330 and replace it with the following new Parts 326, 328, 329 and 330.

f) Part(s) (Heading and Code Citation): Exempt Radioactive Material, 32 Ill. Adm. Code 328

1) Rulemaking: Proposed Rule

A) Description: The Department is proposing this rulemaking to streamline the licensing requirements for radioactive materials that were contained in 32 Ill. Adm. Code 330. This new Part describes the conditions under which an individual will be considered exempt from the licensing requirements of 32 Ill. Adm. Code 330.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: April 1997

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E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that these rules impose no direct impact on any small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: In addition to this new rule, the Department is proposing to repeal current Part 330 and replace it with the following new Parts 326, 327, 329 and 330.

g) Part(2) (Heading and Code Citation): General License for Radioactive Material, 32 Ill. Adm. Code 329

1) Rulemaking: Proposed Rule

A) Description: The Department is proposing this rulemaking to streamline the licensing requirements for radioactive materials that were contained in 32 Ill. Adm. Code 330. This new Part provides for the issuance of a general license for possession and use of certain types and quantities of radioactive material.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: April 1997

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that these rules impose no direct impact on any small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Rose Miller

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Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: In addition to this new rule, the Department is proposing to repeal current Part 330 and replace it with the following new Parts 326, 327, 328 and 330.

h) Part(s) (Heading and Code Citation): Licensing of Radioactive Material, 32 Ill. Adm. Code 330

1) Rulemaking: Proposed Repealer

A) Description: The Department is proposing to repeal this rule and replace it with a new rule. The Department is taking this action to streamline this Part by breaking it into separate Parts which will benefit the regulated community. These Proposed New Parts are as follows: (1) Part 326 - "Financial Surety Requirements"; (2) Part 327 - "Manufacture and Distribution of Radioactive Material"; (3) Part 328 - "Exempt Radioactive Material"; (4) Part 329 - "General Licenses for Radioactive Material"; and (5) Part 330 - "Specific Licenses for Radioactive Material".

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: April 1997

E) Affect on small businesses, small municipalities or not for profit corporations: This repealer does not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

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- G) Related rulemakings and other pertinent information: The Department is proposing a new Part 330 which will replace this repealer.

i) Part(s) (Heading and Code Citation): Specific Licenses for Radioactive Material, 32 Ill. Adm. Code 330

1) Rulemaking: Proposed Rule

- A) Description: The Department is proposing to repeal its current rules entitled "Licensing of Radioactive Material", 32 Ill. Adm. Code 330, and replace it with this new rule. The Department is proposing this rulemaking to streamline the licensing requirements for radioactive materials that were contained in 32 Ill. Adm. Code 330. This new Part establishes requirement for issuance of a license to possess and use radioactive material. This Part sets forth the requirement that no person shall receive, possess, use, manufacture, distribute, transfer, own or acquire radioactive material or devices or equipment utilizing or producing radioactive material except as authorized in a specific license issued pursuant to the requirements of this Part or a general license issued pursuant to Part 329. This Part also prescribes the requirements for the issuance of specific licenses of broad scope for radioactive material and certain regulations governing holders of such licenses.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: April 1997

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that this rule may affect small businesses or not for profit corporations if they choose to manufacture sealed sources or devices. The Department does not believe these rules will have any direct impact on small municipalities as defined in Section 100/1-80 of the IAPA.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety

## DEPARTMENT OF NUCLEAR SAFETY

## JANUARY 1997 REGULATORY AGENDA

1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

- G) Related rulemakings and other pertinent information: The Department is proposing this new Part 330 which will replace the repealer.

j) Part(s) (Heading and Code Citation): Fees for Radioactive Material Licenses, 32 Ill. Adm. Code 331

1) Rulemaking: Proposed Amendment

A) Description: The Department is amending this Part to require the payment of fees on an annual basis.

B) Statutory Authority: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].

C) Scheduled meetings/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: July 1997

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that these amendments may affect small businesses or not for profit corporations that are licensed by the Department to possess, use, distribute, store, treat or dispose of radioactive materials. The Department does not believe these amendments will have any direct impact on small municipalities as defined in Section 100/1-80 of the IAPA.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Licenses and Radiation Safety Requirements for Large Irradiators, 32 Ill. Adm. Code 336



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1) Rulemaking: Proposed Rule

A) Description: This rule will establish the specific licensing, design and performance and operation requirements for large irradiators. This Part applies to panoramic irradiators that have either dry or wet storage of the radioactive sealed sources and to underwater irradiators in which both the source and the product being irradiated are under water. Irradiators covered by this Part are those whose dose rates exceed 500 rads (5 grays) per hour at one meter from the radioactive sealed sources in air or in water, as applicable for the irradiator type.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: July 1997

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that these rules impose no direct impact on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

1) Part(s) (Heading and Code Citation): Transportation of Radioactive Material, 32 Ill. Adm. Code 341

1) Rulemaking: Proposed Amendment

A) Description: The Department is proposing this amendment to incorporate the changes made by the Department of Transportation in their rules that became effective 4/1/96. These changes were based on the changes made to 49 CFR.

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B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40], and Section 20/9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/9], and by Section 71(G) of the Civil Administrative Code of Illinois [20 ILCS 2005/71(G)].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register* version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: June 1997

E) Affect on small businesses, small municipalities or not for profit corporations: The Department believes that these rules impose no direct impact on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Use of X-Rays in the Healing Arts including Medical, Dental, Podiatry, and Veterinary Medicine, 32 Ill. Adm. Code 360

1) Rulemaking: Proposed Amendment

A) Description: The Department is proposing to amend this Part to implement this legislative mandate. This amendment will add requirements relating to the distribution of patient information pamphlet for mammography services to be provided by radiation installation operators that perform mammography services. The Department is also adding a new subsection (5) to Section 360.30 which would verify that all individuals performing medical radiography are properly accredited with the Department.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled. It is the Department's practice to mail a copy of the *Illinois Register*

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version of the rulemaking to all affected entities during the First Notice period.

D) Date agency anticipates First Notice: March 1997

E) Affect on small businesses, small municipalities or not for profit corporations: The Department does not believe that these amendments will impact small businesses (i.e., medical and veterinary practices that use x-rays for healing arts purposes or mammography facilities), small municipalities or not for profit corporations.

F) Agency contact person for information:

Rose Miller  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704  
(217) 785-9860 (voice); (217) 782-6133 (TDD)

G) Related rulemakings and other pertinent information: None

## POLLUTION CONTROL BOARD

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a) Part(s) (Headings and Code Citations):

General Rules (35 Ill. Adm. Code 101)  
Regulatory and Informational Hearings and Proceedings (35 Ill. Adm. Code 102)  
Enforcement Proceedings (35 Ill. Adm. Code 103)  
Variances (35 Ill. Adm. Code 104)  
Permits (35 Ill. Adm. Code 105)  
Hearings Pursuant to Specific Rules (35 Ill. Adm. Code 106)  
Identification and Protection of Trade Secrets (35 Ill. Adm. Code 120)

1) Rulemaking: Docket number R97-8

A) Description: 35 Ill. Adm. Code: Subtitle A (Parts 101 through 120) contains the procedural rules of the Pollution Control Board (Board). After an extensive review of these rules, the Board, on October 3, 1996, adopted a proposal for public comment and hearing, rather than a proposal for First Notice publication in the *Illinois Register*. That proposal suggested certain changes to update and streamline the Board's procedural rules. The prospective revisions are intended to repeal and replace the Board's existing procedural rules. (Notice of this rulemaking was listed in prior regulatory agendas under docket R95-1, which the Board closed and replaced with docket R97-8.)

B) Statutory Authority: Sections 26 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/26 & 28].

C) Scheduled meeting/hearing dates: The Board originally established a period through December 15, 1996 to allow interested persons to comment on the prospective changes to the Board's procedural rules. On December 10, 1996, the Board extended the public comment period to January 10, 1997. The Board intends to conduct public hearings on the prospective amendments in February or March 1997.

D) Date agency anticipates First Notice: The Board may cause First Notice publication of Notices of Proposed Amendments in the Spring or Summer 1997.

E) Affect on small business, small municipalities or not for profit corporation: There may be an effect on any small business, small municipality, or not for profit corporation which appears before the Board in any type of proceeding. These proceedings include rulemakings; enforcement actions; variances, adjusted standards and site-specific rule requests; permit appeals; review of local government decisions concerning siting of pollution control facilities; and any other actions provided for in the

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## Environmental Protection Act.

- F) Agency contact person for information: Address **written comments** concerning the substance of the rulemaking, noting docket number **R97-8**, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address **questions** concerning this regulatory agenda, noting docket number **R97-8**, as follows:

Cynthia I. Ervin  
Pollution Control Board  
600 South Second Street  
Suite 402  
Springfield, IL 62704  
217-524-8509  
Internet: cervin@pcb084rl.state.il.us

- G) **Related rulemakings and other pertinent information:** Another rulemaking, R97-16 (see item (b) below), could affect Part 101, and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 101 through 106 and 120.

If review of existing procedural rules warrants it, the Board may open additional parts within 35 Ill. Adm. Code: Subtitle A.

b) **Part(s) (Headings and Code Citations):**

General Rules (35 Ill. Adm. Code 101)  
Proportionate Share Liability (35 Ill. Adm. Code 110)

1) **Rulemaking: Docket Number R97-16**

- A) **Description:** Public Act 89-443, effective July 1, 1996, added Section 58.9 to Title XVII of the Environmental Protection Act [415 ILCS 5/58.9]. This Section repealed the concept of joint and several liability in environmental actions and replaced it with the concept of proportionate share liability. Specifically, Section 58.9 established that liability for costs of remedial action due to release of "regulated substances" (i.e., pollutants) was limited to a person's "proportionate share" of liability where

two or more persons caused or contributed to a release. Section 58.9(d) required the Board to adopt "rules and procedures" for determining the proportionate share on or before December 31, 1997. On December 5, 1996, the Board opened a docket to solicit public comments until March 31, 1996, to assist the Board in the promulgation of rules to implement Section 58.9.

- B) **Statutory Authority:** Sections 27, 28, and 58.9 of the Illinois Environmental Protection Act [415 ILCS 5/27, 28 & 58.9].

- C) **Scheduled meeting/hearing dates:** No meetings or hearings are scheduled at this time. Once the proposal is completed, the Board will conduct public hearings in accordance with the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) **Date agency anticipates First Notice:** A Notice of Proposed Rules will appear in the *Illinois Register*. The Board may cause First Notice publication of a Notice of Proposed Rules and Notice of Proposed Amendments in the Spring or Summer of 1997.

- E) **Affect on small business, small municipalities or not for profit corporations:** There rules may affect any small business, small municipality or not-for-profit corporation that has caused or contributed to a release requiring remedial action.

- F) **Agency contact person for information:** Address **written comments** concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address **questions** concerning this regulatory agenda as follows:

Cynthia Ervin, Attorney  
Pollution Control Board  
600 S. Second Street, Suite 402  
Springfield, IL 62704  
217-524-8509  
Internet: cervin@pcb084rl.state.il.us

- G) **Related Rulemakings and other pertinent information:** Another rulemaking, R97-8 (see item (a) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 101.



## POLLUTION CONTROL BOARD

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c) Part(s) (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)  
Emissions from Municipal Solid Waste Landfills (35 Ill. Adm. Code 220)

1) Rulemaking: No docket presently reserved.

A) Description: Illinois must address the recently adopted federal guidelines for existing Municipal Solid Waste Landfills (MSWLFs). Under Section 111 of the federal Clean Air Act (CAA), States must submit a plan to the Administrator of the U.S. Environmental Protection Agency (USEPA) to implement and enforce these guidelines. The Illinois Environmental Protection Agency (IEPA) is developing rules for filing with the Board to meet these federal requirements. The regulations would provide for the control of nonmethane organic compounds (NMOC), of which volatile organic material (VOM) is a large component, by requiring the collection and control of landfill gas by MSWLFs that accepted waste after 1987 or which have additional capacity.

B) Statutory Authority: Sections 27 and 28.2 of the Environmental Protection Act [415 ILCS 5/27 & 28.2].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the schedule and requirements established by Sections 27, 28, and 28.2 of the Environmental Protection Act [415 ILCS 5/27, 28 & 28.2].

D) Date Agency Anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register*. IEPA submittal of a proposal to the Board will commence this proceeding in late Spring 1997.

E) Affect on small business, small municipalities or not-for-profit corporations: This rule may affect any small business, small municipality, or not-for-profit corporation that owns or operates an existing municipal solid waste landfill.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

## POLLUTION CONTROL BOARD

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Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: kcrowley@pcb016rl.state.il.us

G) Other pertinent information concerning these amendments: Another prospective rulemaking (see item (d) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 201. Other, as yet unknown, unrelated Board proceedings could potentially impact the new provisions of Part 220.

The IEPA will schedule meetings with affected sources before a proposal is filed. If you have any questions concerning the federal guidelines, please contact:

Rachel L. Doctors  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-524-3333

d) Part(s) (Headings and Code Citations):

Permits and General Provisions (35 Ill. Adm. Code 201)  
Emissions from Medical Waste Incinerators (35 Ill. Adm. Code 230)

1) Rulemaking: No docket presently reserved.

A) Description: Illinois will be required by federal law to address emissions from medical waste incinerators. USEPA is anticipated to promulgate federal guidelines for existing medical waste incinerators by Summer 1997 to implement Sections 111(d) and 129 of the federal CAA. Under the CAA Section 129, States must submit a plan to the Administrator of USEPA to implement and enforce these guidelines within one year after the guidelines are promulgated. The IEPA will assemble a rulemaking proposal for filing with the Board based on its review of the prospective federal requirements.

B) Statutory Authority: Sections 27 and 28.2 of the Environmental Protection Act [415 ILCS 5/27 & 28.2].

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- C) Scheduled Meetings/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- D) Date Agency anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register*. IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in early 1998.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: This rule will affect small businesses, small municipalities or not-for-profit corporations that own or operate existing medical waste incinerators.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: [kcrowley@pcb016r1.state.il.us](mailto:kcrowley@pcb016r1.state.il.us)

- G) Other pertinent information concerning these amendments: Another prospective rulemaking (see item (c) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 201. Other, as yet unknown, unrelated Board proceedings could potentially impact the new provisions of Part 230.

For information regarding the IEPA's development of this proposal, please contact:

Karen Barancik  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276

## POLLUTION CONTROL BOARD

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Springfield, IL 62794-9276  
217-524-3333

- e) Part(s) (Heading and Code Citation):

Major Stationary Sources Construction and Modification (35 Ill. Adm. Code 203)

- 1) Rulemaking: No docket presently reserved

- A) Description: The IEPA is planning to file a proposal with the Board to amend the regulations pertaining to construction and modification of major stationary sources, codified as 35 Ill. Adm. Code 203. The amendments are needed to coordinate Part 203 with proposed 35 Ill. Adm. Code 205, the Emissions Reduction Market System, presently pending in docket R07-13 (see item (f) below).

- B) Statutory Authority: Sections 9-1, 2, and 28 of the Environmental Protection Act [415 ILCS 5/9.1, 27 & 28].

- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date Agency anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register* after this proceeding commences. IEPA submittal of the proposal to the Board will commence this proceeding and is expected in late Spring of 1997.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: These amendments would affect small businesses, small municipalities or not-for-profit corporations that own or operate major new sources of emissions or existing sources that undergo major modifications, although such sources are primarily large industrial facilities.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

## POLLUTION CONTROL BOARD

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Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: kcrowley@pcb016rl.state.il.us

- G) Other pertinent information concerning these amendments: The IEPA plans to distribute a draft of this rule to interested persons prior to its submittal to the Board and is accepting comments on the draft rule. If you would like a copy of the draft rule or have any questions concerning the draft rule, please contact:

Bonnie Sawyer  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-524-3333

- f) Part(s) (Heading and Code Citation): Emissions Reduction Market System (35 Ill. Adm. Code 205)

1) Rulemaking: Docket **R97-13**

- A) Description: On October 7, 1996, the IEPA filed a rulemaking proposal with the Board pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28]. This rulemaking proposal would add Part 205 to establish regulations to implement a market-based emissions reduction system in the Chicago ozone nonattainment area. This rulemaking is required by Section 182(c) of the federal CAA. The proposed rule would create a trading program for air emissions as part of the "rate of progress" (ROP) implementation plan for the State of Illinois. ROP requires the reduction of VOM emission reductions from baseline emissions of at least three percent (3%) per year over each three year period until attainment date with the first period beginning at the end of 1996.

- B) Statutory Authority: Sections 9.8, 27, and 28 of the Environmental Protection Act [415 ILCS 5/9.8, 27 & 28].

- C) Scheduled meeting/hearing dates: Hearings are presently scheduled as follows:

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## JANUARY 1997 REGULATORY AGENDA

10:00 a.m., January 21 and 22, 1997

James R. Thompson Center  
100 West Randolph Street, Room 9-040  
Chicago, IL

10:00 a.m., February 3 and 4, 1997

James R. Thompson Center  
100 West Randolph Street, Room 9-040  
Chicago, IL

The Board will conduct the hearings in accordance with the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date Agency Anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register* after the Board votes to propose any amendments based on an IEPA proposal. The Board presently anticipates submitting the rules for First Notice publication in the *Illinois Register* in Spring or Summer 1997.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: This proposed rule could affect any small business, small municipality, or not-for-profit corporation that owns or operates a major source of emissions, which are primarily large industrial facilities. The rule would be a part of the overall ROP Plan, which has been already adopted, and participation in emissions trading under the rule would not be mandatory.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows, noting docket number **R97-13**, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows, noting docket number **R97-13**, as follows:

Charles M. Feinen, Attorney  
Pollution Control Board  
100 W. Randolph, Suite 11-500  
Chicago, IL 60601  
312-814-3473  
Internet: cfeinen@pcb016rl.state.il.us



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- G) Other pertinent information concerning these amendments: No other known proceeding would impact the general provisions of Part 205. The IEPA requests that interested persons direct any questions concerning the proposed rule as follows:

Bonnie Sawyer  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-524-3333

- 9) Part(s) (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

- 1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is currently developing amendments for proposal to the Board according to the schedule and requirements of Section 27 and the fast-track rulemaking procedure of Section 28.5 of the Environmental Protection Act [415 ILCS 5/27 & 28.5]. This prospective rulemaking may include a number of matters relating to the emission of volatile organic material: (1) It may include definitions as necessary to supplement any rule for architectural and industrial maintenance coatings if these measures are not done nationally by the USEPA, as these measures are part of Illinois' 15% ROP Plan, required by federal law. (2) It may include definitions as necessary to supplement any rules proposed to address control measures for VOC emissions from industrial wastewater treatment facilities that was initially to be addressed by a new USEPA Control Technique Guideline (CTG). This control measure is part of Illinois' ROP Plan, required by federal law. (3) It may include definitions as necessary to supplement any rules proposed to address control measures for VOC emissions from industrial clean-up solvents that were initially to be addressed by a new USEPA CTG. This control measure is part of Illinois' 15% ROP Plan, required by federal law. (4) It may include definitions as necessary to supplement any rules proposed to address control measures for major wood furniture coating sources that have been addressed by a new USEPA CTG. This control measure is part of Illinois' 15% ROP Plan, required by federal law. (5) It may include definitions as necessary to supplement any revisions to 35 Ill. Adm. Code Part 215: Organic Material and Emission Standards and Limitations, to make this Part consistent with the nonsubstantive revisions to 35 Ill. Adm. Code Parts 218 and 219. (6) It may include definitions as necessary to

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supplement any rules proposed to address control measures for cold cleaning degreasing operations. The control of these operations would be part of Illinois 9% ROP Plan, required by federal law.

The 15% ROP Plan and 9% ROP Plan rulemakings are required pursuant to Section 182(b)(1) of the federal CAA, as amended in 1990.

- B) Statutory Authority: Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/27 & 28.5].

- C) Scheduled meeting/hearing dates: No hearings on amendments necessary to address revisions to Part 211 have been scheduled at this time. Once the proposal is filed, the Board will hold hearings on the schedule established in Section 28.5 of the Environmental Protection Act [415 ILCS 5/28.5] for rules promulgated pursuant to this fast-track provision. Hearings on non-Section 28.5 rulemakings will proceed according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

- D) Date agency anticipates First Notice: An early Winter 1996 IEPA submittal to the Board is expected on amendments necessary to address revisions to Part 211, after which the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register*.

- E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will address definitions, and is not expected in itself to have a substantive impact on sources affected by Illinois' air pollution regulations.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: kcrowley@pcb016r1.state.il.us

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- G) Other pertinent information concerning these amendments: Another prospective rulemaking (see item (i) below), including the reserved identical-in-substance definition of VOM update docket and R97-17 (see item (h) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 211.

With respect to amendments necessary to address revisions to Part 211, the IEPA will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Christina Archer  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-524-3333

- h) Part(s) (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

## 1) Rulemaking: Presently reserved docket number R97-17

- A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] mandates that the Board update the Illinois definition of VOM, presently codified as 35 Ill. Adm. Code 211.7150, to reflect the USEPA additions to the list of exemptions of compounds from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan (SIP) for ozone in the federal "Recommended Policy on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992 (57 Fed. Reg. 3945), USEPA codified its definition of VOM as 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy.

The Board has reserved docket number R97-17 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period July 1 through December 31, 1996. Section 9.1(e) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. The Board is presently aware of one action during the nominal time-frame of this docket: the October 8, 1996 (61 Fed. Reg. 52850) amendment of the 40 CFR 51.100(s) definition

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of VOM to add one hydrofluorocarbon (HFC) and two hydrochlorofluorocarbon (HCFC) to the list of compounds exempted from the definition of volatile organic material. The HFC is HFC-143mee, whose chemical name is 1,1,1,2,3,4,4,5,5,5-decafluoropentane (CAS number 138495-42-8). The HCFCs are isomers; they are HCFC-225ca, whose chemical name is 3,3-dichloro-1,1,1,2,2-pentafluoropropane (CAS number 422-56-0), and HCFC-225cb, whose chemical name is 1,3-dichloro-1,1,2,2,3-pentafluoropropane (CAS number 507-55-1). The Board will include this action in this reserved docket, and it presently anticipates proposing amendments to the definition of VOM under this docket during Spring or Summer 1997.

- B) Statutory Authority: Sections 9.1(e) and 27 of the Environmental Protection Act [415 ILCS 5/9.1(e) & 27].

- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting. The Board will then schedule and conduct at least one public hearing pursuant to Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28], as required by Section 118 of the federal CAA for amendment of the Illinois ozone SIP.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time but anticipates proposing amendments during Spring or Summer 1997. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

- E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the list of exempted compounds.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-17, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

## POLLUTION CONTROL BOARD

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Address questions concerning this regulatory agenda, noting docket number R97-17, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6924  
Internet: mmccambr@pcb016rl.state.il.us

- G) Related Rulemakings and other pertinent information: Other prospective rulemakings (see item (g) above and (i) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 211.

Section 9.1(e) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R97-17, the federal amendments in the applicable period upon which the Board has not yet taken action occurred on October 8, 1996. That means that the due date for the R97-23 amendments is presently October 8, 1997. As stated above, the Board will commence this proceeding as promptly as is possible consistent with other deadline matters and as resources allow, with a goal of concluding it prior to its due date.

Section 9.1(e) of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

i) Part(s) (Headings and Code Citations):

Definitions and General Provisions (35 Ill. Adm. Code 211)  
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

- 1) Rulemaking: No docket presently reserved.

- A) Description: The IEPA is presently developing a rulemaking proposal for filing with the Board pursuant to the rulemaking procedure of Section 28.2 of the Environmental Protection Act [415

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ILCS 5/28.2]. The proposed rule would incorporate the RACT provisions now included in the Federal Implementation Plan (FIP) for Viskase Corporation's viscose process used in manufacturing cellulose casing at its plant located in Bedford Park, Cook County, Illinois (Viskase), as required by 35 Ill. Adm. Code 218.103(a)(2). USEPA published this amendment to the FIP on August 21, 1995 (60 Fed. Reg. 43386).

- B) Statutory Authority: Section 28.2 of the Illinois Environmental Protection Act [415 ILCS 5/28.2].
- C) Scheduled meeting/hearing dates: No hearings have yet been scheduled in this matter but will be scheduled and conducted according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28] upon filing of a site-specific rulemaking proposal.

- D) Date agency anticipates First Notice: A late Winter 1997 IEPA submittal to the Board is expected, after which the Board would cause a notice of proposed amendments to appear in the *Illinois Register*.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: This is a site specific RACT rulemaking for a single source, Viskase' viscose process used in manufacturing cellulose casing at its plant located in Bedford Park, Cook County, Illinois; this site is currently subject to the federal requirements of the FIP site-specific rulemaking, which went into effect September 20, 1995. There will be no affect on any other source, including small businesses, small municipalities, and not-for-profit corporations.

- F) Agency contact person for information:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: kcrowley@pcb016rl.state.il.us



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- G) Other pertinent information concerning these amendments: Other prospective rulemakings (see item (g) above), including the reserved identical-in-substance definition of VOM update docket R97-17 (see item (h) above), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 211. Other prospective rulemakings (see item (l) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 218.

J) Part(s) (Heading and Code Citation): Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)

1) Rulemaking: No docket presently reserved.

- A) Description: The IEPA is presently developing a rulemaking proposal for filing with the Board. This prospective rulemaking would amend existing air pollution control rules for VOM to clean up the existing language to make these regulations consistent with the language in 35 Ill. Adm. Code Parts 218 and 219. In some cases, these revisions will be substantive. The rulemaking is also intended to make this Part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with nonsubstantive aspects of recent revisions to 35 Ill. Adm. Code Parts 218 and 219, pursuant to Illinois' 15% ROP Plan rulemakings. These revisions will be both substantive and nonsubstantive, but are not expected to be controversial.

B) Statutory Authority: Sections 10 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/10 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will conduct hearings according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: A late Spring or early Summer 1997 IEPA submittal to the Board is expected.

E) Affect on small businesses, small municipalities or not for profit corporation: This rule should have no negative impact on sources subject to the rules in Part 215, because all revisions are intended to make the rules clearer and consistent. The substantive revisions, which are intended to make the rules not inconsistent with the language in Parts 218 and 219, will not make these regulations more stringent, and therefore, should not be controversial.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: [kcrowley@pcb016r1.state.il.us](mailto:kcrowley@pcb016r1.state.il.us)

- G) Other pertinent information concerning these amendments: No other known proceeding would impact the general provisions of Part 215.

The IEPA will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Christina L. Archer  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-524-3333

K) Part(s) (Heading and Code Citation): Carbon Monoxide Emissions (35 Ill. Adm. Code 216)

1) Rulemaking: Docket number R95-15

- A) Description: The Marathon Oil Company filed a rulemaking petition with the Board on June 9, 1995. The petition, docket as R95-15, would have the Board add a new Section to the air pollution control regulations establishing a site-specific carbon monoxide emission standard for the company's petroleum refinery located in Robinson, Illinois.

- B) Statutory Authority: These rules will be proposed according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

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C) Scheduled meeting/hearing dates: None have been scheduled at this time at the request of the petitioner. The public may contact hearing officer, Charles M. Feinen, at the address below, to be added to the R95-15 Notice List, which will insure notice of scheduling of any hearings in this matter. Once the petitioner is ready to proceed, the Board will schedule at least one public hearing according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: The Board anticipates submitting a First Notice after public hearing. The hearing has been delayed at the petitioner's request.

E) Affect on small business, small municipalities or not for profit corporations: Small businesses, not for profit corporations and small municipalities will not be effected by the rule since it is a site-specific one which only applies to the Marathon facility.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R95-15, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R95-15, as follows:

Charles M. Feinen, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-3473  
Internet: cfeinen@pcb016r1.state.il.us

G) Related Rulemakings and other pertinent information: No other known proceeding would impact the general provisions of Part 216.

1) Part(s) (Heading and Code Citation): Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

1) Rulemaking: No docket presently reserved.

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A) Description: The IEPA is currently developing amendments for proposal to the Board according to the schedule and requirements of Section 27, the federally-derived rule requirements of Section 28.2, and the fast-track rulemaking procedure of Section 28.5 of the Environmental Protection Act [415 ILCS 5/27, 28.2 & 28.5], which may be proposed as more than one rulemaking as necessary to address any USEPA conditional approval items on rules promulgated pursuant to Illinois' 15% ROP Plan, or otherwise required under the federal CAA, as amended in 1990. The 15% ROP Plan rulemakings are required pursuant to Section 182(b)(1) of the federal CAA. (1) There may be one or more rulemakings to amend existing air pollution control rules for lithographic printing operations to clean up the existing language. These rulemakings are intended to make this part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with recent revisions to these rules pursuant to the 15% ROP Plan rulemakings. (2) One of these rulemakings may also include a rule for major wood furniture coating sources, for which a final federal control techniques guideline (CTG) was published in late Spring 1996. Under Section 182(b)(2)(A) of the CAA, States must submit a SIP revision to require Reasonably Available Control Technology (RACT) for major sources covered by a CTG issued by the Administrator of USEPA between the date of the enactment of the 1990 amendments to the CAA and the date of attainment. (3) One of these rulemakings may include regulations to address emissions of VOCs from companies that specialize in solvent collection and recycling. (4) There may also be one or more rulemakings to amend existing air pollution control rules for capture efficiency testing. These rulemakings are intended to make this Part consistent with USEPA's final rule on the revised capture efficiency test methods which is expected to be published in early 1997. (5) There may be one or more rulemakings to correct minor or nonsubstantive errors in previous 15% ROP Plan rulemakings. (6) There may be one or more rulemakings to amend existing air pollution control rules for cold cleaning degreasing operations. Amendments relating to cold cleaning degreasing operations would be part of Illinois' 9% ROP plan, required by Section 182(c)(2)(B) of the CAA.

B) Statutory Authority: Sections 10, 27, 28.2, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28.2 & 28.5].

C) Scheduled meeting/hearing dates: No hearings are scheduled at this time for proposals not yet submitted. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 or 28.5 for those rulemakings required under the federal CAA.

D) Date Agency anticipates First Notice: An early 1997 IEPA

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submittal to the Board for one or more of the proposals is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

- E) Affect on small businesses, small municipalities or not for profit corporations: If wood furniture coating rules are proposed, they would potentially affect any major source that applies coatings to wood furniture.

If rules regulating VOM emissions from companies specializing in solvent collection and recycling are included in one of these proposals, it would only affect relatively large entities that specialize in solvent collection and recycling.

If rules regulating cold cleaning degreasing operations are proposed, they would potentially affect major suppliers of solvent used in cold cleaning degreasing operations and all operators of cold cleaning degreasers.

All other proposals should have no new substantive impact on sources, since they will be merely clean-up proposals.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: [kcrowley@pcb016r1.state.il.us](mailto:kcrowley@pcb016r1.state.il.us)

- G) Other pertinent information concerning these amendments: Another prospective rulemaking (see items (i) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 218.

There have been a number of amendments to Parts 218 during the past two years. This rulemaking may also clean up some limited portions of the recently completed rules. Since a final Control

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Techniques Guideline has been published in Spring 1996 regarding wood furniture coatings, the IEPA will need to proceed with regulations addressing the VOM content of such coatings, housekeeping practices, record keeping and reporting requirements and other provisions of the CTCG. Any rules addressing companies that specialize in solvent collection and recycling will not occur until the IEPA has met with potentially affected sources to discuss any proposed rules. The IEPA will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Christina Archer  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-524-3333

Similar revisions will be proposed to 35 Ill. Adm. Code 219, Organic Material Emission Standards and Limitations for Metro-East Area.

- m) Part(s) (Heading and Code Citation): Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill. Adm. Code 219)

- 1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is currently developing amendments for proposal to the Board according to the schedule and requirements of Section 27, the federally-derived rule requirements of Section 28.2, and the fast-track rulemaking procedure of Section 28.5 of the Environmental Protection Act [415 ILCS 5/27, 28.2 & 28.5], which may be proposed as more than one rulemaking as necessary to address any USEPA conditional approval items on rules promulgated pursuant to Illinois' 15% ROP Plan, or otherwise required under the federal CAA, as amended in 1990. The 15% ROP Plan rulemakings are required pursuant to Section 182(b)(1) of the CAA. (1) There may be one or more rulemakings to amend existing air pollution control rules for lithographic printing operations to clean up the existing language. These rulemakings are intended to make this part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with recent revisions to these rules pursuant to the 15% ROP Plan rulemakings. (2) One of these rulemakings may also include a rule for major wood furniture coating sources, for which a final federal control techniques guideline (CTG) was published in late Spring 1996. Under Section 182(b)(2)(A) of the CAA, States must submit a SIP revision to



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require Reasonably Available Control Technology (RACT) for major sources covered by a CTG issued by the Administrator of USEPA between the date of the enactment of the 1990 amendments to the CAA and the date of attainment. (3) One of these rulemakings may include regulations to address emissions of VOCs from companies that specialize in solvent collection and recycling. (4) There may also be one or more rulemakings to amend existing air pollution control rules for capture efficiency testing. These rulemakings are intended to make this Part consistent with USEPA's final rule on the revised capture efficiency test methods which is expected to be published in early 1997. (5) There may be one or more rulemakings to correct minor or nonsubstantive errors in previous rulemakings to amend existing air pollution control rules for cold cleaning degreasing operations. Amendments relating to cold cleaning degreasing operations would be part of Illinois' 9% ROP Plan, required by Section 182(c)(2)(B) of the CAA.

B) Statutory Authority: Sections 10, 27, 28.2 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28.2 & 28.5].

C) Scheduled meeting/hearing dates: No hearings are scheduled at this time for proposals not yet submitted. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 27 or 28.5 for those rulemakings required under the federal CAA.

D) Date Agency anticipates First Notice: An early 1997 IEPA submittal to the Board for one or more of the proposals is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Affect on small businesses, small municipalities or not for profit corporations: If wood furniture coating rules are proposed, they would potentially affect any major source that applies coatings to wood furniture.

If rules regulating VOM emissions from companies specializing in solvent collection and recycling are included in one of these proposals, it would only affect relatively large entities that specialize in solvent collection and recycling.

If rules regulating cold cleaning degreasing operations are proposed, they would potentially affect major suppliers of solvent used in cold cleaning degreasing operations and all operators of cold cleaning degreasers.

All other proposals should have no new substantive impact on

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sources, since they will be merely clean-up proposals.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: kcrowley@pcb016rl.state.il.us

G) Other pertinent information concerning these amendments: No other known proceeding would impact the general provisions of Part 219.

There have been a number of amendments to Part 219 during the past two years. This rulemaking may also clean-up some limited portions of the recently completed rules.

Since a final Control Techniques Guideline has been published in late Spring 1996, regarding wood furniture coatings, the IEPA will need to proceed with regulations addressing the VOM content of such coatings, housekeeping practices, record keeping and reporting requirements and other provisions of the CTG. Any rules addressing companies that specialize in solvent collection and recycling will not occur until the IEPA has met with potentially affected sources to discuss any proposed rules. The IEPA will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Christina Archer  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-524-3333

Similar revisions will be proposed to 35 Ill. Adm. Code 218, Organic Material Emission Standards and Limitations for the

## POLLUTION CONTROL BOARD

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## Chicago Area.

n) Part(s) (Heading and Code Citation): Mobile Sources (35 Ill. Adm. Code 240)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is currently developing amendments to the vehicle inspection and maintenance regulations for proposal to the Board pursuant to Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] and the Section 28.5 "fast-track" provision of the Environmental Protection Act [415 ILCS 5/28.5]. This rulemaking would substitute the current Section 240.171 evaporative system integrity (pressure) test with one or more quicker, non-intrusive "fuel cap only" pressure tests. These amendments would enable each test to be performed in much less time on most vehicles and would also greatly reduce the possibility of vehicle damage. The amendments would result in lowered cost to the State and greater motorist convenience.

B) Statutory Authority: Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] and Section 28.5 of the Environmental Protection Act [415 ILCS 5/28.5].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the schedule and requirements established in Section 28.5 of the Environmental Protection Act [415 ILCS 5/28.5]. The Board presently anticipates receiving the proposal and scheduling at least one public hearing in Summer 1997.

D) Date Agency Anticipates First Notice: A Notice of Proposed Amendments will appear in the *Illinois Register* after this proceeding commences. IEPA submittal of the proposal to the Board will commence this proceeding and is expected in Spring 1997.

E) Affect on small businesses, small municipalities or not-for-profit corporations: The Board presently anticipates that this proceeding may affect small businesses, small municipalities, and non-for-profit corporations to the extent they own or operate motor vehicles that would be subject to the amended regulations. The Board presently anticipates that the affect would be positive, since the amendments would use less time-consuming and less intrusive procedures than those presently required.

F) Agency contact person for information: Address written comments

## POLLUTION CONTROL BOARD

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concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: [kcrowley@pcb016rl.state.il.us](mailto:kcrowley@pcb016rl.state.il.us)

G) Other pertinent information concerning these amendments: No other known proceeding would impact the general provisions of Part 240.

For further information from the IEPA, contact:

Christopher Demeroukas, Attorney  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-524-3333

o) Part(s) (Heading and Code Citation): Clean Fuel Fleets Program (35 Ill. Adm. Code 241)

1) Rulemaking: No docket presently reserved.

A) Description: The federal Clean Fuel Fleet Program (CFFP) was adopted by USEPA on September 11, 1995, pursuant to Section 241 of the federal CAA. The CFFP requires owners and operators of 10 or more vehicles that are located in or primarily operated in the Chicago ozone nonattainment area to acquire a certain percentage of low emission vehicles (LEVs) if they acquire any new vehicles, beginning September 1997. However, insufficient LEVs will be available to fleets. USEPA is aware of this issue and will be providing guidance to states addressing alternatives. The IEPA will develop amendments consistent with this guidance for filing with the Board to ensure that fleets do not face requirements where compliance is not possible.

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- B) Statutory Authority: Sections 9, 9.1, 10, and 27 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10 & 27].
- C) Scheduled Meetings/Hearing Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will conduct public hearings in accordance with the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].
- D) Date Agency anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register*. IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in early 1997.

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rule will affect small businesses, small municipalities or not-for-profit corporations that own or operate 10 or more vehicles that are located in or primarily operated in the Chicago ozone nonattainment area. These revisions are anticipated to reduce the burden of compliance for all affected entities.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: [kcrowley@pcb016rl.state.il.us](mailto:kcrowley@pcb016rl.state.il.us)

G) Other pertinent information concerning these amendments: For information regarding the IEPA's development of this proposal, please contact:

Rachel Doctors  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276

## POLLUTION CONTROL BOARD

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Springfield, IL 62794-9276  
217-524-3333

p) Part(s) (Headings and Code Citations):

Introduction (35 Ill. Adm. Code 301)  
Water Quality Standards (35 Ill. Adm. Code 302)  
Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)  
Effluent Standards (35 Ill. Adm. Code 304)  
Performance Criteria (35 Ill. Adm. Code 306)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is presently developing a rulemaking proposal for filing with the Board that would amend the Water Quality Standards specific to the Lake Michigan Basin as protective as the Final Water Quality Guidance for the Great Lakes System, published by the USEPA on March 23, 1995 (60 Fed. Reg. 15366) and codified at 40 CFR Parts 9, 122, 123, 131, and 132, in advance of promulgation of regulations by the USEPA.

B) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act (415 ILCS 5/27 & 28)

C) Scheduled meeting/hearing date: No meetings or hearings are scheduled at this time. Once the proposal is filed, presently anticipated in Winter 1997, the Board will conduct public hearings in accordance with the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date agency anticipates First Notice: A Notice of Proposed Rules will appear in the *Illinois Register*. IEPA submittal of a proposal to the Board will commence this proceeding and is expected to be filed in Winter 1997.

E) Affect on small businesses, small municipalities or not for profit corporations: The amendments may affect those small businesses, small municipalities and not for profit corporations that discharge wastewater into the Lake Michigan Basin.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board



## POLLUTION CONTROL BOARD

## JANUARY 1997 REGULATORY AGENDA

100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address **questions** concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: kcrowley@pcb016rl.state.il.us

G) **Related rulemaking and other pertinent information:** In addition to the noted amendments to the water pollution control regulations, the IEPA anticipates adopting procedural rules to apply these amendments to individual dischargers into the Lake Michigan Basin.

For information regarding the IEPA's development of this proposal, please contact:

Toby Frevort  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217)782-1696

q) **Part(s) (Headings and Code Citations):**

Sewer Discharge Criteria (35 Ill. Adm. Code 307)  
Pretreatment Programs (35 Ill. Adm. Code 310)

1) **Rulemaking:** Presently reserved docket number **R97-7**

A) **Description:** Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect the USEPA wastewater pretreatment rules.

The Board has reserved docket number R97-7 to accommodate any amendments to the 40 CFR 300 through 499 that USEPA may make in the period July 1 through December 31, 1996 relating to wastewater pretreatment. The Board is presently aware that USEPA adopted amendments that affected its wastewater pretreatment regulations two times during the update period of docket R97-7: On April 8

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and 30, 1996 (61 Fed. Reg. 15565, 15660 & 19117), USEPA adopted and corrected segments of its RCRA Subtitle C Phase III land disposal restrictions (LDRs) (see item (y) below). With those Phase III LDRs, USEPA included amendments to its wastewater pretreatment regulations. USEPA further published a correction to its July 1, 1995 amendments to 40 CFR 421 on May 14, 1996 (61 Fed. Reg. 24242). The Board will examine the federal amendments and timely propose corresponding amendments to the Illinois wastewater pretreatment regulations under this docket in the future if such amendments are necessary. If amendments are indicated, the Board will add those amendments to this docket using the identical-in-substance procedure.

Section 13.3 mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R97-7, the earliest federal amendments in the applicable period upon which the Board has not yet taken action occurred on April 8, 1996. That means that the due date for the R97-7 amendments is presently April 8, 1997. As stated above, the Board will commence this proceeding as promptly as is possible consistent with other deadline matters and as resources allow, with a goal of concluding it prior to its due date.

B) **Statutory Authority:** Sections 13, 13.3 and 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 & 27].

C) **Scheduled meeting/hearing dates:** None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) **Date agency anticipates First Notice:** The Board cannot project an exact date for publication at this time. The Board presently anticipates proposing amendments in early Winter 1997, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. Section 13.3 of the Environmental Protection Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date is presently April 8, 1997. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) **Affect on small businesses, small municipalities or not for profit corporations:** This rulemaking may affect small businesses, small

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municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

- F) Agency contact person for information: Address **written comments** concerning the substance of the rulemaking, noting docket number **R97-7**, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number **R97-7**, as follows:

Diane F. O'Neill, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6062  
Internet: doneill@pcb016rl.state.il.us

- G) Related Rulemakings and other pertinent information: Another prospective reserved identical-in-substance wastewater pretreatment update, R97-23 (see item (r) below), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 307 and 310.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCARR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

r) Part(s) (Headings and Code Citations):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)  
Pretreatment Programs (35 Ill. Adm. Code 310)

- 1) Rulemaking: Presently reserved docket number **R97-23**.

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- A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect the USEPA wastewater pretreatment rules.

The Board has reserved docket number R97-23 to accommodate any amendments to the 40 CFR 300 through 499 that USEPA may make in the period July 1 through December 31, 1996 relating to wastewater pretreatment. The Board is presently aware that USEPA adopted amendments that affected its wastewater pretreatment regulations two times during the update period of docket R97-23: on July 8, 1996 (61 Fed. Reg. 35684), USEPA amended the pretreatment standards for new and existing sources in the leather tanning and finishing category, and on November 6, 1996 (61 Fed. Reg. 57517), USEPA adopted pretreatment standards for sources in the pesticide chemicals formulating, packaging, and repackaging category. The Board will examine the federal amendments and timely propose corresponding amendments to the Illinois wastewater pretreatment regulations under this docket in the future if such amendments are necessary. If amendments are indicated, the Board will add those amendments to this docket using the identical-in-substance procedure.

Section 13.3 mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R97-23, the earliest federal amendments in the applicable period upon which the Board has not yet taken action occurred on July 8, 1996. That means that the due date for the R97-23 amendments is presently July 8, 1997. As stated above, the Board will commence this proceeding as promptly as is possible consistent with other deadline matters and as resources allow, with a goal of concluding it prior to its due date.

- B) Statutory Authority: Sections 13, 13.3 and 27 of the Environmental Protection Act [415 ILCS 5/13, 13.3 & 27].

- C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify whether there were any additional federal actions by the end of February 1996, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. Section 13.3 of the

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Environmental Protection Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date is presently July 8, 1997. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-23, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-23, as follows:

Diane F. O'Neill, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6062  
Internet: doneill@pcb016rl.state.il.us

G) Related Rulemakings and other pertinent information: Another prospective reserved identical-in-substance wastewater pretreatment update, R97-7 (see item (g) above), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 307 and 310.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to

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appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

s) Part(s) (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Presently reserved docket number R97-18.

A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] mandates that the Board update the Illinois Safe Drinking Water Act (SDWA) regulations to reflect the USEPA amendments to the federal SDWA primary drinking water regulations.

The Board has reserved docket number R97-18 to accommodate any amendments to the 40 CFR 141, 142, and 143 SDWA primary drinking water regulations that USEPA may make in the period July 1 through December 31, 1996. At this time, the Board is aware only of one action by USEPA on November 26, 1996 (61 Fed. Reg. 50485), in which USEPA approved amendments to the Illinois SDWA program. This federal action will require no action of the Board, although the Board intends to acknowledge the action for the benefit of the regulated community. The Board is presently unaware of any other federal actions SDWA regulations. The Board will verify any federal actions during the time-frame of this docket by the end of February 1997. If that verification indicates that no other amendments have occurred, the Board will dismiss the docket. If, on the other hand, amendments are then indicated, the Board will propose corresponding amendments to the SDWA regulations using the identical-in-substance procedure.

B) Statutory Authority: Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by February 1997, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. Section 17.5 of the Environmental Protection Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this



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instance, there is no date available because no action is yet indicated. The Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities are a "public water supply", as defined by Section 3.28 of the Environmental Protection Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-18, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-18, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6924  
Internet: mmccambr@pcb016r1.state.il.us

G) Related Rulemakings and other pertinent information: Other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 611.

Section 17.5 of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCRR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of

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publication.

t) Part(s) (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)  
RCRA Permit Program (35 Ill. Adm. Code 703)  
UIC Permit Program (35 Ill. Adm. Code 704)  
Procedures for Permit Issuance (35 Ill. Adm. Code 705)  
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)  
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)  
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)  
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)  
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)  
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)  
Land Disposal Restrictions (35 Ill. Adm. Code 728)  
Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)  
Standards for Universal Waste Management (35 Ill. Adm. Code 733)  
Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)  
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Presently reserved docket number R97-3 (UIC) and R97-5/R96-10 (RCRA Subtitle C) (consolidated)

A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois RCRA Subtitle C regulations to reflect the USEPA amendments to the USEPA RCRA Subtitle C regulations.

The Board has reserved docket number R96-10 to accommodate any amendments to the RCRA Subtitle C program, 40 CFR 260 through 272, that USEPA made in the period July 1 through December 31, 1995. The Board is presently aware of several federal actions during the time-period:

July 7, 1995 (61 Fed. Reg. 35452): Corrections to Subpart CC rules. No Board action will be necessary based on this action.

July 11, 1995 (61 Fed. Reg. 35703): Addition of test Method for testing biodegradability of absorbent materials.

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August 2, 1995 (61 Fed. Reg. 39586): CWA test method added in 40 CFR 136, which is incorporated by reference 35 Ill. Adm. Code 720.111. The Board must determine whether an update to the incorporations by reference is necessary.

August 14, 1995 (61 Fed. Reg. 41817): Notice of revised interpretation of carbamate rule.

August 28, 1995 (61 Fed. Reg. 44670): CWA test method added in 40 CFR 136, which is incorporated by reference 35 Ill. Adm. Code 720.111. The Board must determine whether an update to the incorporations by reference is necessary.

September 29, 1995 (61 Fed. Reg. 50426): Partial Stay of Subpart CC rules. The Board dealt with these amendments in R95-20, so no further action will be necessary (once R95-20 is adopted).

October 16, 1995 (61 Fed. Reg. 53529): CWA test method added in 40 CFR 136, which is incorporated by reference 35 Ill. Adm. Code 720.111. The Board must determine whether an update to the incorporations by reference is necessary.

October 23, 1995 (61 Fed. Reg. 54311): Correction of hazardous waste delisting for entity with an Illinois facility.

October 30, 1995 (61 Fed. Reg. 55202): Stay of used oil mixtures rule.

November 13, 1995 (61 Fed. Reg. 56952): Delayed effective date for Subpart CC rules.

December 11, 1995 (61 Fed. Reg. 63417): Amendments to permitting procedural requirements.

The Board has reserved docket number R97-5 to accommodate any amendments to the 40 CFR 260 through 272 that USEPA may make in the period January 1 through June 30, 1995. The Board has determined that several federal actions occurred during the time-period:

April 8, 1996 (61 Fed. Reg. 15566): Phase III land disposal restrictions.

April 8, 1996 (61 Fed. Reg. 15660): Partial withdrawal and amendment of Phase III land disposal restrictions.

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April 12, 1996 (61 Fed. Reg. 16290): OECD Council determination that resulted in amendments to hazardous waste import and export regulations.

April 30, 1996 (61 Fed. Reg. 19117): Corrections to Phase III land disposal restrictions. No Board action will be necessary based on this action.

The Board is unaware of any other amendments to the federal RCRA Subtitle C rules during this period to date, but later amendments may be included if they directly affect the subject matter of the federal amendments included in the time-frames of the dockets involved.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the USEPA UIC rules. USEPA adopted various amendments on April 8 and 30, 1996 related to its Phase III land disposal restrictions (listed above under R97-5). Those amendments affected the UIC regulations.

The Board consolidated the three dockets by an order dated October 17, 1996. The reasons stated for consolidation are that the sets of amendments involved in the three dockets are all closely related and that consolidation will allow expedited consideration of all the amendments.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R96-10, the earliest federal amendments in the time-frame of this docket that will require Board action are those of July 11, 1995, which would have required Board adoption by July 11, 1996. The Board stated in its October 17, 1996 order that it anticipated completion of the amendments some time before April 1, 1997. If further delay is necessary, the Board will adopt an order setting forth reasons for delay and will cause a Notice of Public Information to appear in the *Illinois Register*.

B) Statutory Authority: Sections 13(c), 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/13(c), 22.4(a) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

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D) Date agency anticipates First Notice: The Board expects to adopt a proposal for public comment in R96-10/R97-3/R97-5 some time in Winter 1997, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication. Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In docket R96-10, the earliest federal amendments in the time-frame of this docket that will require Board action are those of July 11, 1995, which would have required Board adoption by July 11, 1996. The Board stated in its October 17, 1996 order that it anticipated completion of the amendments some time before April 1, 1997. If further delay is necessary, the Board will adopt an order setting forth reasons for delay and will cause a Notice of Public Information to appear in the *Illinois Register*.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation, transportation, treatment, storage, or disposal of hazardous waste or underground injection of waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R96-10/R97-3/R97-5 as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R96-10/R97-3/R97-5, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6924  
Internet: mmccambr@pcb016rl.state.il.us

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G) Related Rulemakings and other pertinent information: The reserved identical-in-substance RCRA Subtitle C update rulemaking docket R97-21 and the reserved underground injection control docket R97-19 (see items (u) and (v) below); the prospective fluorescent light bulb proceeding (see item (y) below); and other, as yet unknown, unrelated Board proceedings could potentially impact the provisions of Parts 702 through 739.

Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

u) Part(s) (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)  
RCRA Permit Program (35 Ill. Adm. Code 703)  
Procedures for Permit Issuance (35 Ill. Adm. Code 705)  
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)  
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)  
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)  
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)  
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)  
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)  
Land Disposal Restrictions (35 Ill. Adm. Code 728)  
Standards for Universal Waste Management (35 Ill. Adm. Code 733)  
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking: Docket number R97-21.

A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] mandates that the Board update the Illinois RCRA Subtitle C regulations to reflect the USEPA amendments that occurred at this time.

The Board has reserved docket number R97-21 to accommodate any



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amendments to the RCRA Subtitle C program, 40 CFR 260 through 272, that USEPA made in the period July 1 through December 31, 1996. The Board is presently aware of several federal actions during the time-period:

July 1, 1996 (61 Fed. Reg. 34251): Amended criteria for solid and hazardous waste facilities.

July 10, 1996 (61 Fed. Reg. 36419): Corrections to April 8, 1996 Phase III land disposal restrictions.

August 5, 1996 (61 Fed. Reg. 40520): Approval of Illinois RCRA Subtitle C program elements. Although no amendments will be required based on this action, the Board will note the approval in its opinion for the convenience of members of the regulated community.

August 26, 1996 (61 Fed. Reg. 43923): Emergency amendments to the April 8, 1996 Phase III land disposal restrictions.

November 4, 1996 (61 Fed. Reg. 56631): Correction to the text of the July 1, 1996 Code of Federal Regulations.

November 25, 1996 (61 Fed. Reg. 59931): Amendment of the December 6, 1994 organic emission standards for hazardous waste tanks, surface impoundments, and containers (Subpart CC rules).

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R97-21, the earliest federal amendments in the applicable period occurred on July 1, 1996. That means that the nominal due date for the R97-21 amendments is July 1, 1997.

B) Statutory Authority: Sections 22.4(a) and 27 of the Environmental Protection Act [415 ILCS 5/22.4(a) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by end of February 1997, and complete the actions in the prior consolidated update docket, R96-10/R97-3/R97-5, by Spring 1997, after which time the Board

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would cause a Notice of Proposed Amendments to appear in the *Illinois Register* for this docket, R97-21. Section 22.4(a) of the Environmental Protection Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, the earliest federal amendments in the applicable period occurred on July 1, 1996. That means that the nominal due date for the R97-21 amendments is July 1, 1997. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-21, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-21, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6924  
Internet: mmccambr@pcb016rl.state.il.us

G) Related Rulemakings and other pertinent information: The reserved consolidated identical-in-substance RCRA Subtitle C and UIC update rulemaking docket R96-10/R97-3/R97-5 (see item (t) above) and the reserved identical-in-substance underground injection control update docket R97-19 (see item (v) below) could potentially impact any of the parts involved in this docket; the prospective fluorescent light bulb proceeding (see item (y) below); and other, as yet unknown, unrelated Board proceedings could potentially

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impact the provisions of Parts 702 through 739.

Section 22.4(a) of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

v) Part(s) (Headings and Code Citations):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)

UIC Permit Program (35 Ill. Adm. Code 704)

Procedures for Permit Issuance (35 Ill. Adm. Code 705)

Hazardous Waste Management System: General (35 Ill. Adm. Code 720)

Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)

Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

1) Rulemaking: Presently reserved docket number R97-19.

- A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect the USEPA amendments to the federal UIC regulations.

The Board has reserved docket number R97-19 to accommodate any amendments to the UIC program, 40 CFR 144 through 148, that USEPA made in the period July 1 through December 31, 1996. The Board is presently unaware of any federal actions during the time-period that would require amendment of the Illinois UIC rules. The Board will verify any federal actions during the time-frame of this docket by the end of February 1997. If that verification indicates that no amendments have occurred, the Board will dismiss the docket. If, on the other hand, amendments are then indicated, the Board will propose corresponding amendments to the UIC regulations using the identical-in-substance procedure.

- B) Statutory Authority: Sections 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/13(c) & 27].

- C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in

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identical-in-substance proceedings.

- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by February 1997, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. Section 13(c) of the Environmental Protection Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, there is no date available because no action is yet indicated. The Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois underground injection of waste.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-19, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-19, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6924  
Internet: mmccambr@pcb016rl.state.il.us

- G) Related Rulemakings and other pertinent information: The reserved identical-in-substance RCRA Subtitle C update rulemaking docket R97-21 and the reserved underground injection control docket R97-19 (see items (t) and (u) below); the prospective fluorescent light bulb proceeding (see item (v) below); and other, as yet unknown, unrelated Board proceedings could potentially impact the provisions of Parts 702 through 739.

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Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

w) Part(s) (Heading and Code Citation): Review of Operators' Prior Experience (35 Ill. Adm. Code 706)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is presently preparing a proposal for filing with the Board that would establish regulatory procedures for the denial of any RCRA permit or any permit for the conduct of any waste-transportation or waste-disposal operation if the prospective operator or any employee or officer of the prospective operator has a history of conduct that violates Section 39(i) of the Environmental Protection Act [415 ILCS 5/39(i)].

B) Statutory Authority: Sections 22.4(b), 27, and 39(i) of the Environmental Protection Act [415 ILCS 5/22.4(b), 27 & 39(i)].

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will conduct public hearings according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: IEPA submittal to the Board by April 1997, is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not for profit corporations: The Board anticipates that small businesses, small not for profit corporations, and small municipalities may be affected by this rule.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board

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100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: [kcrowley@pcb016rl.state.il.us](mailto:kcrowley@pcb016rl.state.il.us)

G) Related Rulemaking and other pertinent information: No other presently known proceeding would impact the general provisions of Part 706.

For information regarding the IEPA's development of this proposal, please contact:

Christopher Perzan  
2200 Churchill Road  
Division of Legal Counsel  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-782-5544

x) Part(s) (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)

1) Rulemaking: Presently reserved docket number R97-22.

A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the USEPA UST regulations, but not including amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibility for USTs.

The Board has reserved docket number R97-22 to accommodate any amendments to the 40 CFR 281 that USEPA may make in the period July 1 through December 31, 1996. At this time, the Board is unaware of any such amendments that would fall within the scope of our mandate during this period to date. The Board will verify any federal actions in coming weeks. If that verification indicates



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that none have occurred, the Board will dismiss the docket. If amendments are then indicated, the Board will propose corresponding amendments to the UST regulations using the identical-in-substance procedure.

B) Statutory Authority: Sections 22.4(d) and 27 of the Environmental Protection Act [415 ILCS 5/22.4(d) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by end of February 1997, after which time the Board would cause a Notice of Proposed Amendments to appear in the *Illinois Register* if any federal amendments have occurred. Section 22.4(d) of the Environmental Protection Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the operation or ownership of USTs, but not including amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibility for USTs.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-22, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket

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number R97-22, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6924  
Internet: mmccambr@pcb016rl.state.il.us

G) Related Rulemakings and other pertinent information: No other known proceeding would impact the general provisions of Part 731.

Section 22.4(d) of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

Y) Part(s) (Heading and Code Citation):

RCRA Permit Program (35 Ill. Adm. Code 703)  
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)  
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)  
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)  
Land Disposal Restrictions (35 Ill. Adm. Code 728)  
Standards for Universal Waste Management (35 Ill. Adm. Code 733)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is currently developing a proposal for filing with the Board that would amend the universal waste management regulations, located at 35 Ill. Adm. Code 733. The federally-derived universal waste regulations provide an alternative set of regulations to the RCRA Subtitle C hazardous waste rules, which would otherwise apply to the covered wastes. The existing rules presently include used and waste batteries, pesticides, and mercury-containing thermostats as "universal waste" for which they prescribe management standards. The prospective amendments would define used and waste mercury-containing fluorescent light bulbs as universal waste and

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set forth requirements governing their management.

B) Statutory Authority: Sections 22.4 and 27 of the Environmental Protection Act [415 ILCS 5/22.4 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will hold hearings according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: IEPA submittal to the Board by June 1997 is expected, after which the Board will cause First Notice publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not for profit corporations: The Board anticipates that small businesses, not for profit corporations, and small municipalities that manage used and waste mercury-containing fluorescent light bulbs will be affected by this rule. The amendments would provide for management of these materials as universal waste as an alternative to management as RCRA Subtitle C hazardous waste, which would constitute a relaxation of existing regulations.

F) Agency contact person for information:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: kcrowley@pcb016rl.state.il.us

G) Related Rulemakings and other pertinent information: The reserved consolidated identical-in-substance RCRA Subtitle C and UIC update rulemaking docket R97-19/R97-3/R97-5, the reserved identical-in-substance RCRA Subtitle C update docket R97-21, and the reserved underground injection control update docket R97-19 (see items (t) through (v) above) could potentially impact Parts 702 through 739.

For information regarding the IEPA's development of this proposal, please contact:

Chris Perzan  
2200 Churchill Road  
Division of Legal Counsel  
P. O. Box 19276

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Springfield, IL 62794-9276  
217-782-5544

Z) Part(s) (Headings and Code Citations):

Solid Waste (35 Ill. Adm. Code 807)  
Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)  
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)  
Information to be Submitted in a Permit Application (35 Ill. Adm. Code 812)  
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)  
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)  
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

1) Rulemaking: Presently reserved docket number R97-20.

A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] mandates that the Board update the Illinois RCRA Subtitle D municipal solid waste landfill regulations to reflect the USEPA amendments to the federal RCRA Subtitle D rules.

The Board has reserved docket number R97-20 to accommodate any amendments to the 40 CFR 258 RCRA Subtitle D regulations that USEPA may make in the period July 1 through December 31, 1996. At this time, the Board is aware of three sets of federal amendments that fall within the scope of our mandate during this period to date:

July 1, 1996 (61 Fed. Reg. 34251): Amended criteria for solid and hazardous waste facilities.

September 25, 1996 (61 Fed. Reg. 50409): Re-establishment of groundwater monitoring exemption for small landfills in dry or remote areas.

November 27, 1996 (61 Fed. Reg. 50327): Additional financial assurance mechanisms for local government-owned landfills.

Section 22.40(a) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R97-20, the earliest federal amendments in the applicable period occurred on July 1, 1996. That means that the nominal due date for the R97-21 amendments is July 1, 1997.

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- B) Statutory Authority: Sections 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/22.40(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date agency anticipates First Notice: The Board expects to adopt a proposal for public comment in R97-20 some time in Winter 1997, after which time the Board would cause publication of Notices of Proposed Amendments in the *Illinois Register* if any federal amendments have occurred. The Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register* shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication. Section 22.40(a) of the Environmental Protection Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In docket R97-20, the earliest federal amendments in the time-frame of this docket that will require Board action are those of July 1, 1996, which will require Board adoption by July 1, 1997.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the land disposal of municipal solid waste.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R97-20, as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda, noting docket number R97-20, as follows:

Michael J. McCambridge, Attorney  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6924

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Internet: mmccambr@pcb016r1.state.il.us

- G) Related Rulemakings and other pertinent information: Prospective amendments to the solid waste landfill regulations (see item (bb) below) and other, as yet unknown rulemaking proceedings could potentially impact Parts 807 and 810 through 815.

Section 22.40(a) of the Environmental Protection Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 & 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

aa) Part(s) (Heading and Code Citation): Special Waste Classifications (35 Ill. Adm. Code 808)

- 1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is currently developing a proposal for filing with the Board that would amend the special waste classification regulations, located at 35 Ill. Adm. Code 808. The amendments would provide relaxation of requirements relating to the handling of special waste for small businesses.

B) Statutory Authority: Sections 21, 22, 22.01, 22.9, and 27 of the Environmental Protection Act [415 ILCS 5/21, 22, 22.01, 22.9 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will hold hearings according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: IEPA submittal to the Board by June 1997 is expected, after which the Board will cause First Notice publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not for profit corporations: The Board anticipates that small businesses, small municipalities, and not for profit corporations that generate, transport, or manage, special waste will be affected by these amendments. The amendments would provide relaxation of



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requirements relating to the handling of special waste for small businesses.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: [kcrowley@pcb016rl.state.il.us](mailto:kcrowley@pcb016rl.state.il.us)

G) Related Rulemakings and other pertinent information: As yet unknown rulemaking proceedings could potentially impact Part 808.

For information regarding the IEPA's development of this proposal, please contact:

Judith S. Dyer  
2200 Churchill Road  
Division of Legal Counsel  
P. O. Box 19276  
Springfield, IL 62794-9276  
217-782-5544

bb) Part(s) (Heading and Code Citation):

Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)  
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA and the National Solid Waste Management Association are currently developing a proposal for joint filing with the Board that would amend the regulations governing municipal solid waste landfills, located at 35 Ill. Adm. Code 811 and 813. The amendments would amend the standards for management and permitting of new solid waste landfills.

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B) Statutory Authority: Sections 5, 21.1, 21, 22, 22.17, and 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will hold hearings according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: IEPA submittal to the Board by January 1997 is expected, after which the Board will cause First Notice publication of Notices of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not for profit corporations: The Board anticipates that small businesses, small municipalities, and not for profit corporations that own or operate solid waste landfills may be affected by these amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: [kcrowley@pcb016rl.state.il.us](mailto:kcrowley@pcb016rl.state.il.us)

G) Related Rulemakings and other pertinent information: The reserved identical-in-substance RCRA Subtitle D update rulemaking docket R97-20 (see item (z) above) could potentially impact Part 811 or 813 involved in this docket.

For information regarding the IEPA's development of this proposal, please contact:

Judith S. Dyer  
2200 Churchill Road  
Division of Legal Counsel

## POLLUTION CONTROL BOARD

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P. O. Box 19276  
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Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6929  
Internet: kcrowley@pcb016r1.state.il.us

cc) Part(s) (Heading and Code Citation): Standards for Compost Facilities (35 Ill. Adm. Code 830)

1) Rulemaking: No docket presently reserved.

A) Description: The IEPA is currently developing a proposal for filing with the Board that would amend the compost facilities regulations, located at 35 Ill. Adm. Code 830. The existing regulations establish performance standards for landscape waste compost facilities and performance and testing standards for end-product compost produced by such facilities. The prospective amendments would provide performance standards governing facilities composting organic and mixed municipal waste.

B) Statutory Authority: Sections 22.34, 22.35, and 27 of the Environmental Protection Act [415 ILCS 5/22.34, 22.35 & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will hold hearings according to the schedule and requirements established by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27 & 28].

D) Date Agency anticipates First Notice: IEPA submittal to the Board by February 1997 is expected, after which the Board will cause First Notice publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: The Board anticipates that small businesses, small municipalities, and not for profit corporations that own or operate organic and mixed municipal waste composting facilities may be affected by these amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601  
312-814-6931

Address questions concerning this regulatory agenda as follows:

G) Related Rulemakings and other pertinent information: As yet unknown rulemaking proceedings could potentially impact Part 830.

For information regarding the IEPA's development of the proposal, please contact:

Judith S. Dyer  
2200 Churchill Road  
Division of Legal Counsel  
P. O. Box 19276  
Springfield, IL 62794-9276  
217-782-5544

SECRETARY OF STATE

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a) Part(s) (Heading and Code Citation): Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)

1) Rulemaking:

A) Description: Various actions regarding issuance of Certificates of Title; procedural, definitive and technical changes and additions.

B) Statutory Authority: 625 ILCS 5/2-104(b), the Illinois Vehicle Code as amended by P.A. 89-190, effective January 1, 1996 and P.A. 88-0685, effective January 24, 1995, 770 ILCS 45/1 et seq, 770 ILCS 50/1 et seq, 770 ILCS 90/1 et seq.

C) Scheduled meeting/hearing dates: Unknown

D) Date agency anticipates First Notice: Before July 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None projected

F) Agency contact person for information:

Carol Sudman  
Assistant Counsel  
Office of the General Counsel  
298 Howlett Building  
Springfield, IL 62756  
217/785-3094

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Transportation (92 Ill. Adm. Code \_\_\_\_\_),

1) Rulemaking:

A) Description: Various actions regarding issuance, suspension, cancellation, revocation of or restriction on driver's licenses, permits and identification cards; procedural, definitive and technical changes and additions.

B) Statutory authority: 625 ILCS 2-104(b) and the Illinois Vehicle Code as amended by P.A. 88-0612, effective July 1, 1995

C) Scheduled meeting/hearing dates: None

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D) Date agency anticipates First Notice: Before July 1997

E) Affect on small businesses, small municipalities or not for profit corporations: None projected

F) Agency contact person for information:

Mark Novak  
Assistant Counsel  
2701 S. Dirksen Parkway  
Springfield, IL 62756  
217/782-5356

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Commerce (14 Ill. Adm Code \_\_\_\_\_)

1) Rulemaking:

A) Description: Various actions regarding commerce in Illinois; procedural, definitive and technical changes and additions.

B) Statutory authority: 625 ILCS 5/2-104(b) and 815 ILCS 5/1 et seq.

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: Before July 1997

E) Affect on small businesses, small municipalities or not for profit corporations: Small businesses engaged in the offer and/or sale of securities are regulated by this Act and by these Rules. The Rules do not affect not for profit corporations or small municipalities.

F) Agency contact person for information:

Theresa Oxtoby  
Illinois Securities Department  
Lincoln Tower, Suite 200  
520 South Second Street  
Springfield, IL 62701  
217/782-2256

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Education and Cultural Resources (23



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Ill. Adm. Code \_\_\_\_\_)

1) Rulemaking:

A) Description: Revision of the rules to reflect needed updates concerning photocopying, circulation of materials, reserves of materials, replacement of lost and/or damaged materials, reference service, and interlibrary loan; update the citations, for the library system accounting manual and the public library standards; clarify population verification for public library per capita & equalization aid grants; revise the school library grant requirements; and add rules for distribution of grant funds under the Educate & Automate technology and Veterans' Homes library programs; revision of the literacy provider and family literacy subparts.

B) Statutory Authority: 625 ILCS 5/2-104(b), 15 ILCS 320 and 75 ILCS 10/1 et seq.

C) Scheduled meeting/hearing dates: Hearings will not be scheduled since the changes are not major in scope. Public comment will be requested through letters, faxes, and electronic mail.

D) Date agency anticipates First Notice: Before July 1997

E) Affect on small businesses, small municipalities or not for profit corporations: No direct impact projected.

F) Agency contact person for information:

Kathleen L. Bloomberg  
Illinois State Library  
South Second Street  
Springfield, IL 62701-1796  
fax 217/782-8261  
kbloom@library.sos.state.il.us

G) Related rulemakings and other pertinent information: None

## OFFICE OF THE ILLINOIS STATE TREASURER

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a) Part(s) (Heading and Code Citation): Access to Information, 2 Ill. Adm. Code 651.

1) Rulemaking: Amendatory Rulemaking

A) Description: The Treasurer proposes to permit a member of the Legal Department to act as the Freedom of Information Officer. The Treasurer also proposes to expand the "Fee Schedule for Duplication of Public Records" that is attached as Appendix B, to include fees for electronic reproduction. Finally, the Treasurer proposes to update the statutory citations and make any other necessary non-substantive changes.

B) Statutory Authority: Freedom of Information Act [5 ILCS 140].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: March 1997.

E) Affect on small businesses, small municipalities and not for profit corporations: The changes will provide clarification to persons and entities seeking information from the Treasurer regarding the identity of the Freedom of Information Officer and the costs of electronic reproduction.

F) Agency contact person for information:

Martin M. Noven  
Office of the Illinois State Treasurer  
James R. Thompson Center  
100 West Randolph Street, Suite 15-600  
Chicago, IL 60601  
(312) 814-8950

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Home Ownership Made Easy Act, 74 Ill. Adm. Code 750.

1) Rulemaking: Amendatory Rulemaking

A) Description: The Treasurer proposes to delete all references to the Old H.O.M.E. Program and retain all references to the New H.O.M.E. Program. The Treasurer also proposes to make other necessary non-substantive changes.

B) Statutory Authority: Home Ownership Made Easy Act [310 ILCS 55],

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as amended by Public Act 87-1206, effective September 25, 1992.

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: March 1997.

E) Affect on small businesses, small municipalities and not for profit corporations: None

F) Agency contact person for information:

Martin M. Noven  
Office of the Illinois State Treasurer  
James R. Thompson Center  
100 West Randolph Street, Suite 15-600  
Chicago, IL 60601  
(312) 814-8950

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Smart Money Program Confidentiality Requirements, 74 Ill. Adm. Code 730.

1) Rulemaking: Repealer

A) Description: The Treasurer proposes to repeal this part in its entirety. Inasmuch as this program has been combined with the existing programs of the Illinois Department of Public Aid, separate confidentiality requirements are no longer necessary.

B) Statutory Authority: Previously required by Federal Assistance Rules (codified at 7 CFR sections 272.1, 42 CFR sections 431.300-307 and 45 CFR sections 205.50-58) and the Illinois Public Aid Code [305 ILCS 5/11-10].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: March 1997.

E) Affect on small businesses, small municipalities and not for profit corporations: None

F) Agency contact person for information:

Martin M. Noven  
Office of the Illinois State Treasurer  
James R. Thompson Center

OFFICE OF THE ILLINOIS STATE TREASURER

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100 West Randolph Street, Suite 15-600  
Chicago, IL 60601  
(312) 814-8950

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Electronic Benefits Transfer, code citation to be assigned.

1) Rulemaking: Proposed Rule

A) Description: The Treasurer proposes to develop joint rules with the Illinois Department of Public Aid and the Comptroller of the State of Illinois for the electronic distribution of financial aid or benefits from the Department of Public Aid.

B) Statutory Authority: Implementing and authorized by Section 9.05 of the State Comptroller Act [15 ILCS 405/9.05].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: Prior to June 1997.

E) Affect on small businesses, small municipalities and not for profit corporations: Small businesses that are involved in the processing of distributions from the Department of Public Aid (e.g. currency exchanges) may be affected.

F) Agency contact person for information:

Martin M. Noven  
Office of the Illinois State Treasurer  
James R. Thompson Center  
100 West Randolph Street, Suite 15-600  
Chicago, IL 60601  
(312) 814-8950

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 14, 1997 through January 20, 1997 and have been scheduled for review by the Committee at its February 25, 1997 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
2/27/97	Department of Nuclear Safety, Licensing Requirements for Source Material Milling Facilities (32 Ill Adm Code 332)	11/15/96 20 Ill Reg 14683	2/25/97
2/28/97	Department of Public Aid, Food Stamps (89 Ill Adm Code 121)	10/25/96 20 Ill Reg 13908	2/25/97
3/1/97	Department of Public Aid, Food Stamps (89 Ill Adm Code 121)	10/18/96 20 Ill Reg 13515	2/25/97
3/1/97	Department of Children and Family Services, Repeal of Background Check of Foster Family Home Applicants (89 Ill Adm Code 380)	3/1/96 20 Ill Reg 3629	2/25/97
3/1/97	Department of Children and Family Services, Repeal of Background Inquiry for Purchase of Service Providers (89 Ill Adm Code 358)	3/1/96 20 Ill Reg 3643	2/25/97
3/1/97	Department of Children and Family Services, Licensing Standards for Child Care Institutions and Maternity Centers (89 Ill Adm Code 404)	4/5/96 20 Ill Reg 5160	2/25/97
3/1/97	Department of Children and Family Services, Licensing Standards for Child Welfare Agencies (89 Ill Adm Code 401)	4/5/96 20 Ill Reg 5173	2/25/97
3/1/97	Department of Children and Family Services, Licensing Standards for Day Care Agencies (89 Ill Adm Code 405)	4/5/96 20 Ill Reg 5184	2/25/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

3/1/97	Department of Children and Family Services, Licensing Standards for Day Care Homes (89 Ill Adm Code 406)	4/5/96 20 Ill Reg 5197	2/25/97
3/1/97	Department of Children and Family Services, Licensing Standards for Foster Family Homes (89 Ill Adm Code 402)	4/5/96 20 Ill Reg 5221	2/25/97
3/1/97	Department of Children and Family Services, Licensing Standards for Group Day Care Homes (89 Ill Adm Code 408)	4/5/96 20 Ill Reg 5236	2/25/97
3/1/97	Department of Children and Family Services, Licensing Standards for Group Homes (89 Ill Adm Code 403)	4/5/96 20 Ill Reg 5261	2/25/97
3/1/97	Department of Children and Family Services, Licensing Standards for Youth Emergency Shelters (89 Ill Adm Code 410)	4/5/96 20 Ill Reg 5271	2/25/97
3/2/97	Department of Corrections, County Jail Standards (20 Ill Adm Code 701)	11/1/96 20 Ill Reg 14052	2/25/97
3/2/97	Department of Transportation, Aviation Safety (92 Ill Adm Code 14)	11/8/96 20 Ill Reg 14383	2/25/97
3/2/97	Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501 (This was mistakenly published in last week's Register. Please note that the correct expiration date is 3/2/97)).	12/2/96 20 Ill Reg 15130	2/25/97



Rules acted upon during the quarter of January 1 through March 31, 1997 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 III. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jnatale@ccgate.sos.state.il.us](mailto:jnatale@ccgate.sos.state.il.us) (Internet address).

**PROPOSED**

89-505-3 20-1520-2  
 89-590-1 80-310-3  
 2-2250-3 80-1540-1  
 2-2251-3 80-1650-1  
**ADOPTED**  
 8-270-4 2-560-1  
 8-281-4 4-1100-2  
 11-100-5 8-65-3  
 11-200-3 8-105-3  
 11-201-3 8-115-3  
 11-211-3 11-300-3  
 11-212-3 11-510-3  
 11-404-3 17-590-2  
 11-423-3 17-2650-2  
 11-1320-3 20-1265-4  
 11-1422-3 20-1275-4  
 11-1431-3 35-302-1  
 17-650-2 35-304-1  
 17-660-2 35-817-4  
 17-670-2 38-307-2  
 17-850-1 38-370-2  
 20-405-2 41-120-3  
 20-415-2 41-121-3  
 20-1520-3 41-123-3  
 23-226-3 50-1410-3  
 35-201-1 50-2405-4  
 35-211-1 68-1220-1  
 35-275-5 77-692-4  
 35-310-4 77-1190-1  
 38-190-4 86-100-3  
 41-100-4 89-102-2  
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 80-1540-1 89-170-5  
 80-1650-1 89-240-3  
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 89-117-4

**PEREMPT.**

8-125-4

**EMERGENCY**

20-405-2  
 20-415-2  
 20-525-2  
 20-701-2



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